

English Translation of

**Jāmi'
At-Tirmidhi**

English
Translation of

**Jāmi'
At-Tirmidhi**

Compiled by:

**Imām Hāfiz Abū 'Eisā Mohammad
Ibn 'Eisā At-Tirmidhi**

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Translated by:

Abu Khaliyl (USA)

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**Islamic Research Section
Darussalam**



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the Most Gracious, the Most Merciful*

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Contents

The Chapters On Traveling

Chapter 39. (What Has Been Related About) Shortening The Prayer During Travels	17
Chapter 40. What Has Been Related About How Long The Prayer Is Shortened	20
Chapter 41. What Has Been Related About Voluntary Prayers While Traveling	22
Chapter 42. What Has Been Related About Combining Two Prayers	25
Chapter 43. What Has Been Related About <i>Ṣalāt Al-Istisqā'</i> (The Prayer To Request Rain) ..	27
Chapter 44. What Has Been Related About <i>Ṣalāt Al-Kusūf</i> (The Eclipse Prayer)	30
Chapter 45. The Manner Of The Recitation For The Eclipse	34
Chapter 46. What Has Been Related About <i>Ṣalāt Al-Khawf</i> (The Fear Prayer)	35
Chapter 47. What Has Been Related About Locations In The Qur'ān Where One Is To Prostrate	38
Chapter 48. (What Has Been Related) About Women Going Out To The <i>Masājid</i>	40
Chapter 49. (What Has Been Related) About It Being Disliked To Spit In The <i>Masjid</i>	40
Chapter 50. What Has Been Related About The Prostration (Of Recitation) In: When The Heaven Is Split Asunder And: Read! In The Name Of Your Lord Who Has Created	42
Chapter 51. What Has Been Related About The Prostration In (<i>Sūrat</i>) <i>An-Najm</i>	43
Chapter 52. What Has Been Related About The One Who Did Not Prostrate For It	44
Chapter 53. What Has Been Related About The Prostration In (<i>Sūrat</i>) <i>Ṣād</i>	45
Chapter 54. (What Has Been Related) About The Prostration In (<i>Sūrat</i>) <i>Al-Hajj</i>	46
Chapter 55. What Has Been Related About What Is Said During A Prostration For Recitation In The Qur'ān	47
Chapter 56. What Has Been Related About One Who Missed His Section At Night, So He Makes it Up During The Day	49
Chapter (...) What Has Been Related About The Severe Warning Regarding The One Who Raises His Head Before The <i>Imām</i>	50
Chapter 57. What Has Been Related About The One Who Prays The Obligatory Prayer, Then Leads The People In Prayer After That	50
Chapter 58. What Has Been Mentioned About The Permission To Prostrate On The Clothing During The Heat And Cold	52
Chapter 59. What Has Been Mentioned About What Is Recommended When Sitting After The <i>Ṣubḥ</i> Prayer Until The Sun Has Risen	53
Chapter 60. What Has Been Mentioned About Looking Around During <i>Ṣalāt</i>	54
Chapter 61. What Has Been Mentioned About A Man Who Catches Up With The <i>Imām</i> (While He Is) In Prostration, What Should He Do?	56
Chapter 62. About It Being Disliked For The People To Wait For The <i>Imām</i> While They Are Standing At The Beginning Of The Prayer	57
Chapter 63. What Has Been Mentioned About Praising Allāh And Sending <i>Ṣalāt</i> Upon The Prophet ﷺ Before Supplicating	58
Chapter 64. What Has Been Mentioned About Scenting The <i>Masjid</i>	59
Chapter 65. What Has Been Related About The <i>Ṣalāt</i> During The Night And The Day Is Two And Two	60
Chapter 66. How The Prophet ﷺ Performed Voluntary Prayers During the Day	61
Chapter 67. About Prayer In A Woman's Cover Being Disliked	63
Chapter 68. (Mentioning) What Is Allowed From Walking And Actions During Voluntary <i>Ṣalāt</i>	63
Chapter 69. What Has Been Mentioned About Reciting Two <i>Sūrat</i> In A <i>Rak'ah</i>	64
Chapter 70. What Has Been Mentioned About The Virtue Of Walking To The <i>Masjid</i> And What Rewards Are Written For Each Step One Takes	65

Chapter 71. What Has Been Mentioned About <i>Ṣalāt</i> After <i>Maghrib</i> Is More Virtuous In The House	65
Chapter 72. (What Has Been Mentioned) About A Man Performing <i>Ghusl</i> When He Accepts Islām.....	66
Chapter 73. What Has Been Mentioned About The <i>Tasmiyah</i> When Entering The Area Of Relieving Oneself	67
Chapter 74. What Has Been Mentioned Of The Mark Of This Nation From The Traces Of Prostrations And Purification On The Day Of Resurrection.....	68
Chapter 75. That Starting From The Right Is Recommended In Purification.....	69
Chapter 76. What Has Been Mentioned About The Amount Of Water That Is Acceptable For <i>Wuḍū'</i>	69
Chapter 77. What Has Been Mentioned About Sprinkling Water On The Urine Of A Male Child Of Suckling Age.....	70
Chapter (...) What Has Been Mentioned About The Prophet Performing <i>Mash</i> After The Revelation Of (<i>Sūrat</i>) <i>Al-Mā'idah</i>	71
Chapter 78. What Has Been Mentioned About The Permission For The Sexually Impure (<i>Junub</i>) Person To Eat And Sleep When He Performs <i>Wuḍū'</i>	72
Chapter 79. What Has Been Mentioned About The Virtue Of The <i>Ṣalāt</i>	73
Chapter 80. Something Else About That	74

The Chapters On *Zakāt* From Messenger of Allāh ﷺ

Chapter 1. What Has Been Related From Messenger of Allāh ﷺ About The Severe Warning Against Withholding <i>Zakāt</i>	75
Chapter 2. What Has Been Related About: When You Pay The <i>Zakāt</i> You Have Fulfilled What Is Required Of You	77
Chapter 3. What Has Been Related About The <i>Zakāt</i> On Gold And Silver	79
Chapter 4. What Has Been Related About <i>Zakāt</i> On Camels and Sheep	80
Chapter 5. What Has Been Related About <i>Zakāt</i> On Cows	83
Chapter 6. What Has Been Related About It Being Disliked To Take The Choicest Wealth For Charity	85
Chapter 7. What Has Been Related About Charity Due On Plants, Fruits And Grains	86
Chapter 8. What Has Been Related About: There Is No Charity Due On Horses And Slaves	87
Chapter 9. What Has Been Related About <i>Zakāt</i> On Honey.....	88
Chapter 10. What Has Been Related About: There Is No <i>Zakāt</i> On Acquired Wealth Until The <i>Hawl</i> Has Passed.....	90
Chapter 11. What Has Been Related About: There Is No <i>Jizyah</i> Required From The Muslims...	92
Chapter 12. What Has Been Related About <i>Zakāt</i> On Jewellery	93
Chapter 13. What Has Been Related About <i>Zakāt</i> On Greens (Produce).....	95
Chapter 14. What Has Been Related About Charity On What Is Watered By Rivers Or Otherwise	96
Chapter 15. What Has Been Related About <i>Zakāt</i> On The Orphan's Wealth	98
Chapter 16. What Has Been Related That The Injuries Caused By The Animal Are Without Liability And The <i>Khumus</i> Is Due On <i>Rikāz</i>	99
Chapter 17. What Has Been Related About <i>Al-Kharṣ</i> (Assessment)	100
Chapter 18. What Has Been Related About The One Who Works In Collecting <i>Sadaqah</i> In Truth	102
Chapter 19. (What Has Been Related) About The One Who Commits Transgression With Charity	103
Chapter 20. What Has Been Related About Pleasing the Collector of Charity	104
Chapter 21. What Has Been Related About: Charity Is Taken from The Rich To Be Distributed To The Poor	105
Chapter 22. (What Has Been Reported About) For Whom The <i>Zakāt</i> Is Lawful	106
Chapter 23. What Has Been Related About: For Whom Charity Is Not Lawful.....	107

Chapter 24. (What Has Been Related About) The Indebted And Others For Whom Charity Is Lawful	109
Chapter 25. What Has Been Related About It Being Disliked For The Prophet ﷺ, His Household, And His <i>Mawālī</i> To Accept Charity	110
Chapter 26. What Has Been Related About Charity For Near Relatives	112
Chapter 27. What Has Been Related About: There Is A Duty On Wealth Aside From <i>Zakāt</i>	113
Chapter 28. What Has Been Related About The Virtue Of Charity	114
Chapter 29. What Has Been Related About The Right Of The One Asking	118
Chapter 30. What Has Been Related About Giving To Those Whose Hearts Are Inclined (Toward Islām)	119
Chapter 31. What Has Been Related About The One Who Gives Charity (Then) Inheriting His Charity	121
Chapter 32. What Has Been Related About It Being Disliked To Take Back Charity	122
Chapter 33. What Has Been Related About (Giving) Charity On Behalf Of The Dead	122
Chapter 34. What Has Been Related About A Woman Spending From Her Husband's House	123
Chapter 35. What Has Been Related About <i>Ṣadaqat Al-Fiṭr</i>	125
Chapter 36. What Has Been Related About: It Is To Be Paid Before The <i>Ṣalāt</i>	129
Chapter 37. What Has Been Related About Paying <i>Zakāt</i> In Advance	129
Chapter 38. What Has Been Related About The Prohibition Of Begging	131

6. The Chapters On Fasting From Messenger of Allāh ﷺ

Chapter 1. What Has Been Related About The Virtue Of The Month Of Ramaḍān	133
Chapter 2. What Has Been Related About: Do Not Precede The Month With Fasting	135
Chapter 3. What Has Been Related About It Being Disliked To Fast The Day Of Doubt	136
Chapter 4. What Has Been Related About Counting The (Appearances Of) The Crescent Of Sha'bān For Ramaḍān	137
Chapter 5. What Has Been Related About: Fasting And Breaking Fast Are Based Upon The Sighting (Of The Crescent)	138
Chapter 6. What Has Been Related About: The Month Is Twenty-Nine Days	139
Chapter 7. What Has Been Related About Fasting Based Upon Testimony	140
Chapter 8. What Has Been Related About: The Two Months Of 'Eid Will Not Both Be Deficient	141
Chapter 9. What Has Been Related About: For The People Of Every Land There Is A Sighting	142
Chapter 10. What Has Been Related About What It Is Recommend To Break The Fast With ...	143
Chapter 11. What Has Been Related About: (The Fast Is The Day The People Fast And) The Breaking Of The Fast Is The Day When The People Break The Fast, And The Sacrifice Is The Day The People Sacrifice	145
Chapter 12. What Has Been Related About: When The Night Advances And The Day Retreats, Then The Fasting Person Breaks The Fast	146
Chapter 13. What Has Been Related About Hastening To Break The Fast	147
Chapter 14. What Has Been Related About Delaying The <i>Sahūr</i>	149
Chapter 15. What Has Been Related About Clarifying <i>Al-Fajr</i>	150
Chapter 16. What Has Been Related About The Severity Of Back Biting For The Fasting Person	151
Chapter 17. What Has Been Related About The Virtue Of <i>Sahūr</i>	152
Chapter 18. What Has Been Related About It Being Disliked To Fast While Traveling	153
Chapter 19. What Has Been Related About The Permission To Fast While Traveling	155
Chapter 20. What Has Been Related About The Permission For The One At War To Break The Fast	157
Chapter 21. What Has Been Related About The Permission For The Pregnant And Breast-Feeding Women To Break The Fast	158
Chapter 22. What Has Been Related About Fasting On Behalf Of The Dead	159

Chapter 23. (What Has Been Related About The Attonement).....	160
Chapter 24. What Has Been Related About The Fasting Person Who Is Overcome By Vomiting.....	161
Chapter 25. What Has Been Related About One Who Vomits Purposely.....	162
Chapter 26. What Has Been Related About The Fasting Person Eating Or Drinking Forgetfully.....	164
Chapter 27. What Has Been Related About Breaking The Fast On Purpose.....	165
Chapter 28. What Has Been Related About The Atonement For Breaking The Fast During Ramaḍān.....	165
Chapter 29. What Has Been Related About The <i>Siwāk</i> For The Fasting Person.....	168
Chapter 30. What Has Been Related About <i>Kuhl</i> For The Fasting Person.....	169
Chapter 31. What Has Been Related About Kissing For The Fasting Person.....	169
Chapter 32. What Has Been Related About Embracing For The Fasting Person.....	170
Chapter 33. What Has Been Related About: There Is No Fast For The One Who Did Not Determine It During The (Preceding) Night.....	171
Chapter 34. What Has Been Related About Breaking The Voluntary Fast.....	172
Chapter 35. Performing A Voluntary Fast Without Planning It The Night Before.....	174
Chapter 36. What Has Been Reported About: The Obligation On Him To Make Up.....	175
Chapter 37. What Has Been Related About Connecting Fasts Of Sha'bān To Ramaḍān.....	177
Chapter 38. What Has Been Related About It Being Disliked To Fast During The Second Half Of Sha'bān For The Sake Of Ramaḍān.....	178
Chapter 39. What Has Been Related About The Middle Night Of Sha'bān.....	179
Chapter 40. What Has Been Related About Fasting For Al-Muḥarram.....	180
Chapter 41. What Has Been Related About Fasting On Friday.....	181
Chapter 42. What Has Been Related About It Being Disliked To Fast On Friday Alone.....	182
Chapter 43. What Has Been Related About Fasting on Saturday.....	183
Chapter 44. What Has Been Related About Fasting On Monday And Thursday.....	184
Chapter 45. What Has Been Related About Fasting On Wednesday And Thursday.....	185
Chapter 46. What Has Been Related About The Virtue Of Fasting on the Day of 'Arafah.....	186
Chapter 47. What Has Been Related About It Being Disliked To Fast The Day Of 'Arafah While At 'Arafāt.....	187
Chapter 48. What Has Been Related About The Encouragement To Fast The Day Of 'Ashūrā'.....	188
Chapter 49. What Has Been Related About The Permission To Not Fast The Day Of 'Ashūrā'.....	189
Chapter 50. What Has Been Related About Which Day 'Ashūrā' Is.....	190
Chapter 51. What Has Been Related About Fasting The Ten (Days Of Dhul-Hijjah).....	191
Chapter 52. What Has Been Related About Deeds During The Ten Days (Of Dhul-Hijjah).....	192
Chapter 53. What Has Been Related About Fasting The Six Days Of Shawwāl.....	194
Chapter 54. What Has Been Related About Fasting Three (Days) Of Every Month.....	195
Chapter 55. What Has Been Related About The Virtues Of Fasting.....	197
Chapter 56. What Has Been Related About Fasting Daily (<i>Ad-Dahr</i>).....	199
Chapter 57. What Has Been Related About Fasting Consecutive Days.....	200
Chapter 58. What Has Been Related About It Being Disliked To Fast On The Day Of <i>Fiṭr</i> And The Day Of <i>Nahr</i>	202
Chapter 59. What Has Been Related About It Being Disliked To Fast The Days Of <i>Tashriq</i>	204
Chapter 60. What Has Been Related About Cupping Being Disliked For The Fasting Person.....	206
Chapter 61. What Has Been Related About Permission For That.....	208
Chapter 62. What Has Been Related About <i>Al-Wiṣāl</i> (Continuous) Fasting Is Disliked.....	209
Chapter 63. What Has Been Related About the <i>Junub</i> (Sexually Impure) Person Who Discovers That It Is <i>Fajr</i> Time While He Wants To Fast.....	210
Chapter 64. What Has Been Related About The Fasting Person Accepting the Invitation (To A Meal).....	211
Chapter 65. What Has Been Related About It Being Disliked For A Woman To Fast Except With The Permission Of Her Husband.....	212
Chapter 66. What Has Been Related About Delay When Making Up For Ramaḍān.....	213

Chapter 67. What Has Been Related About The Virtues For The Fasting Person When Others Are Eating In His Presence.....	213
Chapter 68. What Has Been Related About The Woman Who Menstruated Makes Up The Fasts But Not The <i>Ṣalāt</i>	215
Chapter 69. What Has Been Related About It Being Disliked To Take Excessive Amounts Of Water Into The Nose (<i>Al-Istinshāq</i>) When Fasting.....	216
Chapter 70. What Has Been Related About: One Who Stays With A People Should Not Fast Without Their Permission	217
Chapter 71. What Has Been Related About <i>I'tikāf</i>	217
Chapter 72. What Has Been Related About The Night of <i>Al-Qadr</i>	219
Chapter 73. Something Else About That	222
Chapter 74. What Has Been Related About Fasting During the Winter	223
Chapter 75. What Has Been Related About: " <i>And For Those Upon Whom It Is Difficult.</i> "	224
Chapter 76. What Has Been Related About the One Who Ate And Then Went Out To Travel	224
Chapter 77. What Has Been Related About The Gift For The Fasting Person.....	226
Chapter 78. What Has Been Related About When (The Days Of) <i>Al-Fiṭr</i> And <i>Al-Aḥḥā</i> Are.....	226
Chapter 79. What Has Been Related About When One Leaves From <i>I'tikāf</i>	227
Chapter 80. What Has Been Related About: Can The One Performing <i>I'tikāf</i> Leave For His Needs Or Not?	228
Chapter 81. What Has Been Related About Standing (In The Night Prayer) During The Month Of Ramaḍān	230
Chapter 82. What Has Been Related About One Who Provides The Food For A Fasting Person To Break His Fast.....	232
Chapter 83. Encouragement To Perform The Night Prayer During Ramaḍān And The Virtues That Accompany It	233

7. The Chapters On *Hajj* From The Messenger of Allāh ﷺ

Chapter 1. What Has Been Related About Makkah's Sanctity	235
Chapter 2. What Has Been Related About The Rewards For <i>Hajj</i> And ' <i>Umrah</i>	237
Chapter 3. What Has Been Related About The Severity Of Neglecting <i>Hajj</i>	238
Chapter 4. What Has Been Related About The Obligation Of <i>Hajj</i> While One Has The Provisions And The Means Of Conveyance	239
Chapter 5. What Has Been Related About How Many Times <i>Hajj</i> Is Obligatory	240
Chapter 6. What Has Been Related About How Many Times The Prophet ﷺ Performed <i>Hajj</i>	241
Chapter 7. What Has Been Related About How Many Times The Prophet ﷺ Performed ' <i>Umrah</i>	243
Chapter 8. What Has Been Related About Which Location The Prophet ﷺ Assumed <i>Ihrām</i> ...	244
Chapter 9. What Has Been Related About When The Prophet ﷺ Assumed <i>Ihrām</i>	245
Chapter 10. What Has Been Related About The <i>Ifrād Hajj</i>	246
Chapter 11. What Has Been Related About Combining <i>Hajj</i> And ' <i>Umrah</i>	247
Chapter 12. What Has Been Related About <i>Tamattu'</i>	247
Chapter 13. What Was Been Related About The <i>Talbiyah</i>	250
Chapter 14. What Has Been Related About The Virtue Of The <i>Talbiyah</i> And The <i>Nahr</i> (Sacrifice).....	252
Chapter 15. What Has Been Related About Raising The Voice With The <i>Talbiyah</i>	255
Chapter 16. What Has Been Related About Performing <i>Ghusl</i> When Assuming <i>Ihrām</i>	256
Chapter 17. What Has Been Related About The <i>Mawāqit</i> For <i>Ihrām</i> For Each Region's People.....	256
Chapter 18. What Has Been Related About What Is Not Allowed For The <i>Muḥrim</i> To Wear	257
Chapter 19. What Has Been Related About The <i>Muḥrim</i> Wearing Pants and <i>Khuff</i> When An <i>Izār</i> And Sandals Are Not Available.....	258

Chapter 20. What Has Been Related About The One Who Assumed <i>Ihrām</i> While Wearing A Shirt Or A Cloak	259
Chapter 21. What Has Been Related About What Creatures The <i>Muḥrim</i> May Kill	260
Chapter 22. What Has Been Related About Cupping For The <i>Muḥrim</i>	262
Chapter 23. What Has Been Related About It Being Disliked For the <i>Muḥrim</i> To Marry	263
Chapter 24. What Has Been Related About Permission For That	264
Chapter 25. What Has Been Related About The <i>Muḥrim</i> Eating Hunted Animals	266
Chapter 26. What Has Been Related About: The Meat Of Game Is Disliked For The <i>Muḥrim</i> ...	268
Chapter 27. What Has Been Related About The Game Of The Se' For The <i>Muḥrim</i>	269
Chapter 28. What Has Been Related About A Badger Killed By A <i>Muḥrim</i>	270
Chapter 29. What Has Been Related About Performing <i>Ghusl</i> When Entering Makkah	271
Chapter 30. What Has Been Related About The Prophet ﷺ Entering Makkah From Its Higher Side, And Leaving From Its Lower Side	272
Chapter 31. What Has Been Related About The Prophet ﷺ Entering Makkah During The Day	273
Chapter 32. What Has Been Related About It's Being Disliked To Raise The Hand When One Sees the House (Ka'bah)	273
Chapter 33. What Has Been Related About How To Perform <i>Tawāf</i>	274
Chapter 34. What Has Been Related About Performing <i>Raml</i> From The (Black) Stone To The (Black) Stone	275
Chapter 35. What Has Been Related About Touching The (Black) Stone And The Yemeni Corner And Not The Other Corners	276
Chapter 36. What Has Been Related About The Prophet ﷺ While Performed <i>Tawāf Muḍṭabi'an</i>	276
Chapter 37. What Has Been Related About Kissing The (Black) Stone	277
Chapter 38. What Has Been Related About Beginning With Aṣ-Ṣafā Before Al-Marwah	279
Chapter 39. What Has Been Related About Sa'ī Between Aṣ-Ṣafā And Al-Marwah	280
Chapter 40. What Has Been Related About Riding For <i>Tawāf</i>	282
Chapter 41. What Has Been Related About The Virtues Of <i>Tawāf</i>	282
Chapter 42. What Has Been Related About <i>Ṣalāt</i> After 'Aṣr (And After Ṣubḥ) Regarding One Who Performed <i>Tawāf</i>	283
Chapter 43. What Has Been Related About What Is to Be Recited During the Two <i>Rak'ah</i> (After) <i>Tawāf</i>	285
Chapter 44. What Has Been Related About It Being Disliked to Perform <i>Tawāf</i> While Naked	286
Chapter 45. What Has Been Related About Entering The Ka'bah	287
Chapter 46. What Has Been Related About <i>Ṣalāt</i> In The Ka'bah	287
Chapter 47. What Has Been Related About Demolishing The Ka'bah	289
Chapter 48. What Has Been Related About <i>Ṣalāt</i> In The <i>Hijr</i>	289
Chapter 49. What Has Been Related About The Virtues Of The Black Stone, Its Corner, And The <i>Maqām</i>	290
Chapter 50. What Has Been Related About Leaving For Minā And Staying There	291
Chapter 51. What Has Been Related About: Minā Is A Resting Place For Whoever Arrives ..	293
Chapter 52. What Has Been Related About Shortening the <i>Ṣalāt</i> At Minā	293
Chapter 53. What Has Been Related About Standing At 'Arafāt And Supplicating There	294
Chapter 54. What Has Been Related About: All of 'Arafāt Is A Place For Standing	297
Chapter 55. What Has Been Related About Departing From 'Arafāt	299
Chapter 56. What Has Been Related About Combining <i>Maghrib</i> And ' <i>Ishā</i> ' At Muzdalifah ..	300
Chapter 57. What Has Been Related About: Whoever Sees The <i>Imām</i> At Jam' Then He Has Attended the <i>Hajj</i>	302
Chapter 58. What Has Been Related About The Weak Departing Early From Jam' During The Night	305
Chapter 59. What Has Been Related About Stoning On The Day Of <i>An-Naḥr</i> During <i>Duḥā</i> (The Morning Light)	306

Chapter 60. What Has Been Related About: Departing From Jam' Is Before The Rising Of The Sun	307
Chapter 61. What Has Been Related About: The <i>Jimār</i> Are Stoned With Pebbles Similar To <i>Al-Khadhf</i>	308
Chapter 62. What Has Been Related About Stoning After The Sun Has Passed The Zenith.....	309
Chapter 63. What Has Been Related About Stoning The <i>Jimār</i> While Riding (And Walking).....	310
Chapter 64. (What Has Been Related About) The Manner Of Stoning The <i>Jimār</i>	311
Chapter 65. What Has Been Related About It Being Disliked For the People To Crowd When Stoning The <i>Jimār</i>	313
Chapter 66. What Has Been Related About Sharing In <i>Badanah</i> (Sacrificial Camels) and Cows	314
Chapter 67. What Has Been Related About Marking The <i>Budn</i> (Sacrificial Camels).....	315
Chapter 68. (Purchasing the <i>Hadi</i>)	317
Chapter 69. What Has Been Related About Garlanding The <i>Hadi</i> For The Resident	317
Chapter 70. What Has Been Related About Garlanding Sheep	318
Chapter 71. What Has Been Related About What Is Done With The <i>Hadi</i> When It Is Afflicted.....	319
Chapter 72. What Has Been Related About Riding The <i>Badanah</i>	320
Chapter 73. What Has Been Related About Which Side Of The Head To Begin With For Shaving.....	320
Chapter 74. What Has Been Related About Shaving, And About Shortening	321
Chapter 75. What Has Been Related About It Being Disliked For Women To Shave	322
Chapter 76. What Has Been Related About One Who Shaved Before He Slaughtered, Or Offered The Sacrifice Before He Stoned	323
Chapter 77. What Has Been Related About Using Perfume When Ending <i>Ihrām</i> Before The Visiting.....	324
Chapter 78. What Has Been Related About Discontinuing The <i>Talbiyah</i> During <i>Hajj</i>	325
Chapter 79. What Has Been Related About Discontinuing The <i>Talbiyah</i> During " <i>Umrah</i>	326
Chapter 80. What Has Been Related About The Visting <i>Tawāf</i> During the Night	327
Chapter 81. What Has Been Related About Camping At Al-Abṭāḥ	327
Chapter 82. (About Camping At Al-Abṭāḥ)	329
Chapter 83. What Has Been Related About The <i>Hajj</i> Of A Boy.....	329
Chapter 84. The <i>Talbiyah</i> On Behalf Of Women And Stoning On Behalf Of Boys	331
Chapter 85. What Has Been Related About <i>Hajj</i> On Behalf Of The Elderly Man And The Dead..	331
Chapter 86. Something Else (What Has Been Related About <i>Hajj</i> On Behalf Of The Dead).....	333
Chapter 87. Something Else About That	334
Chapter 88. What Has Been Related About " <i>Umrah</i> : Is It Required Or Not?.....	334
Chapter 89. Something Else From That (' <i>Umrah</i> Has Been Entered Into <i>Hajj</i> Until the Day of Resurrection).....	335
Chapter 90. What Has Been Related Mentioning The Virtues Of ' <i>Umrah</i>	337
Chapter 91. What Has Been Related About Performing ' <i>Umrah</i> From At-Tan'im	337
Chapter 92. What Has Been Related About Performing ' <i>Umrah</i> From Al-Ji'rānah	338
Chapter 93. What Has Been Related About ' <i>Umrah</i> During Rajab.....	339
Chapter 94. What Has Been Related About ' <i>Umrah</i> During <i>Dhul-Qa'dah</i>	340
Chapter 95. What Has Been Related About ' <i>Umrah</i> During <i>Ramādān</i>	340
Chapter 96. What Has Been Related About the One Who Says The <i>Talbiyah</i> For <i>Hajj</i> But He Suffers A Fracture Or Becomes Lame.....	341
Chapter 97. What Has Been Related About Stating A Condition For <i>Hajj</i>	342
Chapter 98. Something Else About That	344
Chapter 99. What Has Been Related About A Woman Whose Menses Begin After <i>Al-Ifāḍah</i> ...	344
Chapter 100. What Has Been Related About Which Rites Are Carried Out By the Menstruating Woman.....	345
Chapter 101. What Has Been Related About Whoever Performs <i>Hajj</i> Or ' <i>Umrah</i> Then Let The Last Of His Acts Be At The House.....	346

Chapter 102. What Has Been Related About: The <i>Qārin</i> Performs One <i>Tawāf</i>	347
Chapter 103. What Has Been Related About The <i>Muhājir</i> Staying In Makkah For Three Days After Returning (From <i>Minā</i>)	349
Chapter 104. What Has Been Related About What To Say When Coming Home After <i>Hajj</i> And ' <i>Umrah</i>	349
Chapter 105. What Has Been Related About The <i>Muḥrim</i> Who Dies In His <i>Ihrām</i>	350
Chapter 106. What Has Been Related About: If The <i>Muḥrim's</i> Eyes Bother Him Then He May Use A Bandage With Aloes	351
Chapter 107. What Has Been Related About What Is Required From A <i>Muḥrim</i> Who Shaves His Head While In <i>Ihrām</i>	352
Chapter 108. What Has Been Related About Giving Permission For The Shepherds To Stone A Day And Leave (Stoning) A Day	353
Chapter 109. (For A Man To Begin The <i>Talbiyah</i> As The Prophet ﷺ Did)	354
Chapter 110. What Has Been Related About The Day Of <i>Al-Hajj Al-Akbar</i>	355
Chapter 111. What Has Been Related About Touching The Two Corners	356
Chapter 112. What Has Been Related About Talking During <i>Tawāf</i>	357
Chapter 113. What Has Been Related About The Black Stone	358
Chapter 114. The <i>Muḥrim</i> Who Had Some Oil Applied	358
Chapter 115. What Has Been Related About Carrying Zamzam Water	359
Chapter 116. Where To Perform The <i>Zuhr</i> Prayer On The Day Of <i>Tarwiyah</i>	359

8. The Chapters On *Janā'iz* From The Messenger of Allāh ﷺ

Chapter 1. What Has Been Related About Reward For The Sick	361
Chapter 2. What Has Been Related About Visiting The Sick	362
Chapter 3. What Has Been Related About The Prohibition Against Wishing For Death	365
Chapter 4. What Has Been Related About Seeking Refuge For The Sick	366
Chapter 5. What Has Been Related That Encourages The Will	367
Chapter 6. What Has Been Related About A Will For Third And A Fourth	368
Chapter 7. What Has Been Related About Instructing The Sick When Dying And Supplicating For Him	369
Chapter 8. What Has Been Related About The Severity Of Death	371
Chapter 9. Regarding The Virtue Of Good Deeds At The Ends Of The Day And The Night	373
Chapter 10. What Has Been Related About Dying With Sweat On Ones Brow	373
Chapter 11. Hope In Allāh And Fear Of Ones Sins In The Presence Of Death	374
Chapter 12. What Has Been Related About It Being Disliked To Announce One's Death (<i>An-Na't</i>)	375
Chapter 13. What Has Been Related About Patience Is To Be Observed At The First Stroke Of The Calamity	377
Chapter 14. What Has Been Related About Kissing The Dead	377
Chapter 15. What Has Been Related About Washing The Dead	378
Chapter 16. What Has Been Related About Using Musk When Washing The Dead	380
Chapter 17. What Has Been Related About Performing <i>Ghusl</i> For The One Who Has Washed The Deceased	381
Chapter 18. What Has Been Related About What Is Recommended For Shrouding	382
Chapter 19. Ordering The Believer To Shroud His Brother With The Best	383
Chapter 20. What Has Been Related About How Many Shrouds Were Used For The Prophet ﷺ	384
Chapter 21. What Has Been Related About Preparing Food For The Family Of The Deceased	385
Chapter 22. What Has Been Related About The Prohibition Of Slapping The Cheeks And Tearing The Clothes During A Calamity	386
Chapter 23. What Has Been Related About It Being Disliked To Wail	387
Chapter 24. What Has Been Related About It Being Disliked To Cry Over The Deceased	388
Chapter 25. What Has Been Related About The Permission For Crying Over The Deceased	390

Chapter 26. What Has Been Related About Walking In Front Of (The Deceased Being Carried For) The Funeral	392
Chapter 27. What Has Been Related About Walking Behind (The Deceased Being Carried For) The Funeral	395
Chapter 28. What Has Been Related About It Being Disliked To Ride Behind The Funeral....	396
Chapter 29. What Has Been Related About Permitting That.....	397
Chapter 30. What Has Been Related About Haste For The Funeral (Procession)	397
Chapter 31. What Has Been Related About Those Killed At Uhud, and Mention of Ḥamzah....	398
Chapter 32. Something Else (Regarding The <i>Sunnah</i> For Visiting The Sick And Attending The Funeral)	399
Chapter 33. Where Are The Prophets To Be Buried?.....	400
Chapter 34. Something Else (Regarding The Order To Mention Good Things About The Deceased And To Refrain From Mentioning Their Evil)	401
Chapter 35. What Has Been Related About Sitting Before The Deceased Is Placed In The Grave.....	402
Chapter 36. The Virtue In The Calamity When One Patiently Seeks A Reward For It.....	402
Chapter 37. What Has Been Related About The <i>Takbīr</i> For The Funeral (Prayer).....	403
Chapter 38. What Is To Be Said In The <i>Ṣalāt</i> For The Deceased.....	405
Chapter 39. What Has Been Related About The Recitation Of <i>Fātiḥatil-Kitāb</i> For The Funeral (Prayer).....	407
Chapter 40. How To Perform <i>Ṣalāt</i> For The Deceased, And Interceding For Him.....	408
Chapter 41. What Has Been Related About It Being Disliked To Pray The Funeral <i>Ṣalāt</i> While The Sun Is Rising And While It Is Setting.....	410
Chapter 42. What Has Been Related About <i>Ṣalāt</i> For (The Funerals Of) Children.....	411
Chapter 43. What Has Been Related About Not Performing The <i>Ṣalāt</i> For The Child Until One Is Sure He Was Alive At Birth.....	412
Chapter 44. What Has Been Related About <i>Ṣalāt</i> For The Deceased In The <i>Masjid</i>	413
Chapter 45. What Has Been Related About Where The <i>Imām</i> Is To Stand For The Man And For The Woman.....	413
Chapter 46. What Has Been Related About Not Performing The (Funeral) <i>Ṣalāt</i> For The Martyr.....	415
Chapter 47. What Has Been Related About (Performing) The (Funeral) <i>Ṣalāt</i> At The Grave....	416
Chapter 48. What Has Been Related About The Prophet ﷺ Performing <i>Ṣalāt</i> For (The Death Of) An-Najāshī	418
Chapter 49. What Has Been Related About The Virtue Of <i>Ṣalāt</i> For A Funeral	419
Chapter 50. Something Else (About The Extent Of What Is Acceptable (To Fulfill The Obligation) For Following The Funeral And Carrying It).....	420
Chapter 51. What Has Been Related About Standing For The Funeral (Procession).....	420
Chapter 52. Regarding Permission To Not Stand For It.....	422
Chapter 53. What Has Been Related About The Saying of the Prophet ﷺ: The <i>Lahd</i> Is For Us And The Hole Is For Other Than Us.....	423
Chapter 54. What Has Been Related About What Is Said When Putting The Deceased In The Grave	424
Chapter 55. What Has Been Related About The One Cloth That Is Placed Under The Deceased In The Grave	425
Chapter 56. What Has Been Related About Leveling The Grave	426
Chapter 57. What Has Been Related About It Being Disliked to Tread On Graves, Sit On Them, (And Pray Towards Them).....	427
Chapter 58. What Has Been Related About It Being Disliked To Plaster Graves And Write On Them	428
Chapter 59. What A Man Is To Say When He Enters A Graveyard.....	429
Chapter 60. What Has Been Related About The Permission To Visit the Graves.....	430
Chapter 61. What Has Been Related About Women Visiting Graves	430
Chapter 61B. What Has Been Related About It Being Disliked For Women To Visit The Graves.....	431

Chapter 62. What Has Been Related About Burial During The Night	432
Chapter 63. What Has Been Related About Praise For The Deceased.....	433
Chapter: 64. What Has Been Related About The Rewards For One Whose Child Dies Before Him ...	434
Chapter 65. What Has Been Related About Who The Martyrs Are	437
Chapter 66. What Has Been Related About It Being Disliked To Flee From The Plague.....	439
Chapter 67. What Has Been Related About: Whoever Loves To Meet Allāh, Then Allāh Loves To Meet Him	440
Chapter 68. What Has Been Related About: The Funeral Prayer is not Performed For A Person Who Killed Himself	441
Chapter 69. What Has Been Related About (Prayer Over) The Indebted.....	442
Chapter 70. What Has Been Related About The Punishment In The Grave.....	443
Chapter 71. What Has Been Related About: The Reward For One Who Consols A Person With An Affliction	445
Chapter 72. What Has Been Related About One Who Died On Friday	446
Chapter 73. What Has Been Related About Hastening The Funeral	447
Chapter 74. Something Else About The Virtue Of Consoling	447
Chapter 75. What Has Been Related About Raising The Hands For The Funeral (Prayer)...	448
Chapter 76. What Has Been Related About: The Believer's Soul Is Suspended By His Debt Until It Is Settled For Him.....	449

9. The Chapters (On Narrations Reported) On Marriage From The Messenger of Allāh ﷺ

Chapter 1. What Has Been Related About The Virtues Of Marriage And Encouraging It....	451
Chapter 2. What Has Been Related About The Prohibition Of Celibacy	453
Chapter 3. What Has Been Related About: If You Are Pleased With Someone's Religion Then Marry Him	455
Chapter 4. What Has Been Related About: One Who Is Married For Three Things	456
Chapter 5. What Has Been Related About Looking At The Proposed Woman	457
Chapter 6. What Has Been Related About Publicizing The Marriage	458
Chapter 7. What (Has Been Related About What) To Say To The Newlywed	460
What Has Been Related About What Is Said When One Has Intercourse With His Wife	461
Chapter 9. What Has Been Related About The Times In Which Marriage Is Recommended	461
Chapter 10. What Has Been Related About (<i>Al-Walimah</i>) The Banquet.....	462
Chapter 11. What Has Been Related About Accepting The Invitation	465
Chapter 12. What Has Been Related About One Who Comes To A Banquet Without An Invitation.....	465
Chapter 13. What Has Been Related About Marrying Virgins	466
Chapter 14. What Has Been Related About: There Is No Marriage Except With A <i>Wali</i>	467
Chapter 15. What Has Been Related About: There Is No Marriage Except With Proof (<i>Bayyinah</i>).....	472
Chapter 17. What Has Been Related About The Marriage <i>Khubbah</i>	474
Chapter 18. What Has Been Related About Seeking The Permission Of The Virgin And The Matron.....	477
Chapter 19. What Has Been Related About Coercing A Female Orphan To Marry	479
Chapter 20. What Has Been Related About Two <i>Wali</i> Giving The Same Woman In Marriage ...	481
Chapter 21. What Has Been Related About A Slave Marrying Without The Permission Of His Owner	482
Chapter 22. What Has Been Related About Women's Dowries	483
Chapter 23. Something Else.....	484
Chapter 24. What Has Been Related About A Man Who Emancipates A Slave Woman, Then Marries Her.....	486
Chapter 25. What Has Been Related About The Virtue Of That	487

Chapter 26. What Has Been Related About A Person Who Marries A Woman, Then Divorces Her Before Having Intercourse With Her: Can He Marry Her Daughter Or Not?	488
Chapter 27. What Has Been Related About One Who Divorced His Wife Three Times, Then She Married Someone Else, And He Divorced Her Before Having Intercourse With Her.....	489
Chapter 28. What Has Been Related About The <i>Muhill</i> And The One Who The <i>Muḥallal</i> Was Done For.....	491
Chapter 29. What Has Been Related About (The Prohibition of) <i>Mut'ah</i>	493
Chapter 30. What Has Been Related About The Prohibition Of The <i>Shigār</i> Marriage.....	494
Chapter 31. What Has Been Related About: A Woman Should Not Be Married Along With Her Paternal Aunt Nor Her Maternal Aunt.....	496
Chapter 32. What Has Been Related About Conditions When Contracting A Marriage.....	498
Chapter 33. What Has Been Related About A Man Who Accepted Islām While Having Ten Wives.....	499
Chapter 34. What Has Been Related About A Man Who Accepts Islām While He Is Married To Two Sisters	500
Chapter 35. (What Has Been Related About) A Man Who Buys A Slave Girl Who Is Pregnant	501
Chapter 36. What Has Been Related (About A Man) Who Captures A Slave Woman That Has A Husband, Is It Lawful For Him To Have Relations With Her?	502
Chapter 37. What Has Been Related About The Dowry Of The <i>Baghi</i>	503
Chapter 38. What Has Been Related About A Man Is Not To Propose To A Woman Who Has Been Proposed To By His Brother.....	504
Chapter 39. What Has Been Related About 'Azl	507
Chapter 40. What Has Been Related About 'Azl Being Disliked.....	508
Chapter 41. What Has Been Related About Dividing Time For The Virgin And The Matron....	509
Chapter 42. What Has Been Related About Equality Between Co-Wives.....	510
Chapter 43. What Has Been Related About A Married Couple Who Are Idolaters, Then One Of Them Accepted Islām.....	512
Chapter 44. What Has Been Related About A Man Who Married A Woman Then He Died Before Stipulating The Dowry For Her.....	514

10. The Chapters On Suckling

Chapter 1. What Has Been Related About: Suckling Makes Unlawful Whatever Lineage Makes Unlawful.....	516
Chapter 2. What Has Been Related About A Man's Milk	517
Chapter 3. What Has Been Related About: One Sip Or Two Sips Will Not Make A Prohibition.....	518
Chapter 4. What Has Been Related About One Woman's Testimony About Suckling.....	521
Chapter 5. What Has Been Related About: Suckling Does Not Make A Prohibition Except During Infancy Less Than Two Years.....	522
Chapter 6. What Fulfills The Rights Of The Foster Relationship (From Suckling).....	523
Chapter 7. What Has Been Related About A Slave Woman Who Is Freed But She Has A Husband	525
Chapter 8. What Has Been Related About The Child The Bed Belong To.....	527
Chapter 9. What Has Been Related About A Man Who Sees A Woman And Becomes Fascinated With Her.....	528
Chapter 10. What Has Been Related About The Husband's Rights Over The Wife	528
Chapter 11. What Has Been Related About The Woman's Rights Over Her Husband.....	530
Chapter 12. What Has Been Mentioned About It Being Disliked To Enter Women In Their Behinds	532
Chapter 13. What Has Been Related About It Being Disliked For Women To Go Out While Wearing Their Adornments	534

Chapter 14. What Has Been Related About Jealousy	535
Chapter 15. What Has Been Related About It Being Disliked For A Woman To Travel Alone.....	536
Chapter 16. What Has Been Related About It Being Disliked To Enter Upon Women Whose Husband's Are Absent	538
Chapter 17. The Warning About That Due To The <i>Shaiṭān</i> Flowing (Through The Body) Like The Flow Of Blood	539
Chapter 18. The <i>Shaiṭān</i> Seeks to Tempt The Woman When She Goes Out	540
Chapter 19. The Threat For The Woman Who Annoys Her Husband	540

11. The Chapters On Divorce And *Li'ān* From The Messenger of Allāh ﷺ

Chapter 1. What Has Been Related About The <i>Sunnah</i> Divorce	542
Chapter 2. What Has Been Related About A Man Who Divorces His Wife Irrevocably	544
Chapter 3. What Has Been Related About: Your Case Is Up To You.....	545
Chapter 4. What Has Been Related About The Choice.....	547
Chapter 5. What Has Been Related About: The Woman With Three Divorces Gets No Housing Nor Maintenance (From The Husband)	548
Chapter 6. What Has Been Related About: There Is No Divorce Before Marriage.....	550
Chapter 7. What Has Been Related About: Divorce For A Slave Woman Is Twice.....	552
Chapter 8. What Has Been Related About The Man Who Thinks To Himself About Divorcing His Wife	553
Chapter 9. What Has Been Related About Seriousness And Jest Regarding Divorce.....	554
Chapter 10. What Has Been Related About <i>Khul'</i>	555
Chapter 11. What Has Been Related About The Women Who Seek A <i>Khul'</i>	556
Chapter 12. What Has Been Related About Treating Women Kindly	557
Chapter 13. What Has Been Related About A Man Whose Father Asks Him To Divorce (His Wife)	558
Chapter 14. What Has Been Related About: No Woman Should Ask For The Divorce Of Her Sister	559
Chapter 15. What Has Been Related About The Divorce Pronounced By The <i>Ma'tūh</i> Person.....	560
Chapter 16. The Revelation Of Allāh's Saying: Divorce Is Two Times	561
Chapter 17. What Has Been Related About The Pregnant Woman Who Gives Birth After Her Husband Dies	562
Chapter 18. What Has Been Related About The ' <i>Iddah</i> Of A Woman Whose Husband Dies	564
Chapter 19. What Has Been Related About The One Who Has Uttered <i>Zihār</i> And Has Intercourse (With His Wife) Before Atoning.....	567
Chapter 20. What Has Been Related About The Atonement For <i>Zihār</i>	568
Chapter 21. What Has Been Related About <i>Īlā'</i>	569
Chapter 22. What Has Been Related About <i>Li'ān</i>	570
Chapter 23: What is Reported On Where The Widow Observes Her ' <i>Iddah</i>	573

In the Name of Allāh,
the Merciful, the Beneficent

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

The Chapters On Traveling

أَبْوَابُ السَّفَرِ

Chapter 39. (What Has Been Related About) Shortening The Prayer During Travels

(المعجم ٣٩) - بَابُ [مَا جَاءَ فِي] التَّقْصِيرِ فِي السَّفَرِ (التحفة ٢٧٤)

544. Ibn ‘Umar narrated: “I traveled with the Prophet ﷺ, Abū Bakr, ‘Umar, and ‘Uthmān; they would pray *Zuhr* and ‘*Aṣr* as two *Rak’ah* and two *Rak’ah*, not praying before them nor after them.” And Ibn ‘Umar said: “If I was going to pray before it or after it then I would pray it complete.” (*Ḥasan*)

(He said:) There are narrations on this topic from ‘Umar, ‘Alī, Ibn ‘Abbās, Anas, ‘Imrān bin Ḥuṣain, and ‘Āishah.

Abū ‘Eīsā said: The *Ḥadīth* of Ibn ‘Umar is a *Ḥasan Gharīb Ḥadīth*, we do not know of it in this manner except as a narration of Yaḥya bin Sulaim.

Muḥammad bin Ismā‘īl said: “This *Ḥadīth* has been reported from ‘Ubaidullāh bin ‘Umar, from a man from the family of Surāqah, from (‘Abdullāh) Ibn ‘Umar.”

Abū ‘Eīsā said: It has been reported from ‘Aṭīyyah Al-‘Awfi, from Ibn ‘Umar, that the Prophet ﷺ would perform voluntary prayers while traveling before the prayer and after it. And it is correct that

٥٤٤ - حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ عَبْدِ
الْحَكَمِ الْوَرَّاقُ الْبَغْدَادِيُّ: حَدَّثَنَا يَحْيَى بْنُ
سُلَيْمٍ عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ
قَالَ: سَافَرْتُ مَعَ النَّبِيِّ ﷺ وَأَبِي بَكْرٍ وَعُمَرُ
وَعُثْمَانُ فَكَانُوا يُصَلُّونَ الظُّهْرَ وَالْعَصْرَ رَكْعَتَيْنِ
رَكْعَتَيْنِ لَا يُصَلُّونَ قَبْلَهَا وَلَا بَعْدَهَا وَقَالَ عَبْدُ
اللَّهِ: لَوْ كُنْتُ مُصَلِّيًا قَبْلَهَا أَوْ بَعْدَهَا
لَأَتَمَمْتُهَا.

[قَالَ:] وَفِي الْبَابِ عَنْ عُمَرَ وَعَلِيٍّ وَابْنِ
عَبَّاسٍ وَأَنْسٍ وَعِمْرَانَ بْنِ حُصَيْنٍ وَعَائِشَةَ.
قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عُمَرَ حَدِيثٌ
حَسَنٌ غَرِيبٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ يَحْيَى
ابْنِ سُلَيْمٍ مِثْلَ هَذَا.

قَالَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ: وَقَدْ رَوَى هَذَا
الْحَدِيثَ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ رَجُلٍ مِنْ
آلِ سُرَّاقَةَ، عَنْ [عبدالله] بْنِ عُمَرَ.

قَالَ أَبُو عِيسَى: وَقَدْ رَوَى عَنْ عَطِيَّةِ
الْعَوْفِيِّ، عَنْ ابْنِ عُمَرَ أَنَّ النَّبِيَّ ﷺ كَانَ
يَتَطَوَّعُ فِي السَّفَرِ قَبْلَ الصَّلَاةِ وَبَعْدَهَا، وَقَدْ

the Prophet ﷺ would shorten (the prayer) while traveling and that Abū Bakr, and ‘Umar would shorten while traveling, as would ‘Uthmān during the beginning of his *Khalifah*.

This is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others.

It has been reported from ‘Āishah that she would complete the prayer while traveling.

What is acted upon is what is reported from the Prophet ﷺ and his Companions.

And it is the view of *Ash-Shāfi‘ī*, *Aḥmad*, and *Ishāq*, but *Ash-Shāfi‘ī* said that shortening is a permission for a person while traveling. So, if one completes the prayer, it is acceptable from him.

صَحَّ عَنِ النَّبِيِّ ﷺ أَنَّهُ كَانَ يَقْصُرُ فِي السَّفَرِ وَأَبُو بَكْرٍ وَعُمَرُ وَعُثْمَانُ صَدْرًا مِنْ خِلَافَتِهِ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ.

وَقَدْ رُوِيَ عَنْ عَائِشَةَ أَنَّهَا كَانَتْ تُتِمُّ الصَّلَاةَ فِي السَّفَرِ.

وَالْعَمَلُ عَلَى مَا رُوِيَ عَنِ النَّبِيِّ ﷺ وَأَصْحَابِهِ.

وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ إِلَّا أَنَّ الشَّافِعِيَّ يَقُولُ: التَّقْصِيرُ رُخْصَةٌ لَهُ فِي السَّفَرِ، فَإِنْ أَتَمَّ الصَّلَاةَ أَجَزَأَ عَنْهُ.

تخريج: [إسناده حسن] وأخرجه ابن خزيمة، ح: ٩٤٧ من حديث عبدالوهاب به وله شواهد كثيرة * وفي الباب عن عمر [مسلم، ح: ٦٨٦] وعلي [البخاري (كشف) ٣٢٨/١، ح: ٦٨١] وابن عباس [يأتي: ٥٤٧] وأنس [يأتي: ٥٤٦] وعمران بن حصين [يأتي: ٥٤٥] وعائشة [مسلم، ح: ٦٨٥] والبخاري، ح: ٣٥٠ * حديث عطية رواه الترمذي، ح: ٥٥١، ٥٥٢، وحديث: "أنها كانت تتم ... إلخ" أخرجه النسائي: ١٢٢/٣، ح: ١٤٥٧ وسنده صحيح.

Comments:

The truth is that the Prophet ﷺ used to shorten the prayer during a journey, because therein is easiness. This is the objective of the *Shari‘ah*. So the prayer during a journey should be shortened; as the Prophet ﷺ named it permission and the reporter of this, ‘Āishah, used to pray full prayer, which means praying full prayer is also allowed. It cannot be stated that prayer is invalid because of not being shortened, even though the shortened prayer is preferred. [*Al-Mughnī*: 3/123, *Hujjatullāh*: 2/23, *Al-Mir‘at*: 2/259]

545. Abū An-Naḍrah said: “Imrān bin Ḥusain was asked about the traveler’s prayer. He said: ‘I performed *Hajj* with the Messenger of Allāh ﷺ, and he prayed two

٥٤٥ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا هُشَيْمٌ: حَدَّثَنَا عَلِيُّ بْنُ زَيْدٍ بْنُ جُدْعَانَ [الْقُرَشِيُّ] عَنْ أَبِي نَضْرَةَ قَالَ: سَئِلَ عِمْرَانُ

Rak'ah. I performed *Hajj* with Abū Bakr, and he prayed two *Rak'ah*; and with 'Umar, and he prayed two *Rak'ah*; and with 'Uthmān for six years of his *Khilāfah*, or eight years, and he prayed two *Rak'ah*." (*Da'if*)
Abū 'Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

ابْنُ حُصَيْنٍ عَنْ صَلَاةِ الْمُسَافِرِ فَقَالَ:
حَجَّجْتُ مَعَ رَسُولِ اللَّهِ ﷺ فَصَلَّيْ رَكْعَتَيْنِ،
وَحَجَّجْتُ مَعَ أَبِي بَكْرٍ فَصَلَّيْ رَكْعَتَيْنِ، وَمَعَ
عُمَرَ فَصَلَّيْ رَكْعَتَيْنِ، وَمَعَ عُثْمَانَ سِتَّ سِنِينَ
مِنْ خِلَافَتِهِ أَوْ ثَمَانٍ سِنِينَ فَصَلَّيْ رَكْعَتَيْنِ.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: [إسناده ضعيف] وأخرجه أبو داود، صلاة السفر، باب: متى يتم المسافر،
ح: ١٢٢٩ من حديث علي ابن زيد به وهو ضعيف ولبعض الحديث شواهد كثيرة جداً منها الحديث
السابق: ٥٤٤.

546. Anas bin Mālik narrated: "We prayed *Zuhr* as four with the Prophet ﷺ in Al-Madīnah, and *Aṣr* as two *Rak'ah* in *Dhil-Hulaifah*." (*Ṣaḥīḥ*)
(Abū 'Eīsā said:) This *Hadīth* is *Ṣaḥīḥ*.

٥٤٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا سُفْيَانُ بْنُ
عُيَيْنَةَ عَنْ مُحَمَّدِ بْنِ الْمُكَدِّرِ وَإِبْرَاهِيمَ بْنِ
مَيْسَرَةَ أَنَّهُمَا سَمِعَا أَنَسَ بْنَ مَالِكٍ قَالَ:
صَلَّيْنَا مَعَ النَّبِيِّ ﷺ الظُّهْرَ بِالْمَدِينَةِ أَرْبَعًا،
وَبِذِي الْحُلَيْفَةِ الْعَصْرَ رَكْعَتَيْنِ.
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه البخاري، التقصير، باب: يقصر إذا خرج من موضعه،
ح: ١٠٨٩ ومسلم، ح: ٦٩٠ من حديث سفیان بن عيينة به.

Comments:

This *Hadīth* tells that as a traveler comes out of the territory of his own town, he is allowed to shorten the prayer.

547. Ibn 'Abbās narrated: "The Prophet ﷺ went from Al-Madīnah to Makkah, not fearing anyone except Allāh the Lord of the worlds, and he prayed two *Rak'ah*." (*Ṣaḥīḥ*)
Abū 'Eīsā said: This *Hadīth* is (*Hasan*) *Ṣaḥīḥ*.

٥٤٧ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا هُشَيْمٌ عَنْ
مَنْصُورِ بْنِ زَادَانَ، عَنِ ابْنِ سِيرِينَ، عَنِ ابْنِ
عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ خَرَجَ مِنَ الْمَدِينَةِ إِلَى مَكَّةَ لَا
يَخَافُ إِلَّا اللَّهَ رَبَّ الْعَالَمِينَ فَصَلَّيْ رَكْعَتَيْنِ.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ [حَسَنٌ]
صَحِيحٌ.

تخریج: [صحيح] وأخرجه النسائي ١١٧/٣، ح: ١٤٣٦ (تقصير الصلاة في السفر، باب: ١)
عن قتيبة به وله شواهد عند النسائي، ح: ١٤٣٧ وغيره.

Comments:

The aim of Ibn ‘Abbās is that fear and danger are not a condition for shortening prayer on journey.

Chapter 40. What Has Been Related About How Long The Prayer Is Shortened

(المعجم ٤٠) - بَابُ مَا جَاءَ فِي كَمِّ تَقْصُرُ الصَّلَاةِ (التحفة ٢٧٥)

548. Yahya bin Abī Ishāq Al-Ḥaḍramī narrated that Anas bin Mālik said: “We went with the Messenger of Allāh ﷺ from Al-Madīnah to Makkah, and he prayed two *Rak’ah*.” He said: “I said to Anas: ‘How long did Messenger of Allāh ﷺ stay in Makkah?’ He said: ‘Ten (days).’” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ibn ‘Abbās, and Jābir.

Abū ‘Eisā said: The *Hadīth* of Anas is a *Ḥasan Ṣaḥīḥ Hadīth*.

It has been reported from Ibn ‘Abbās that during some of his journeys, the Prophet ﷺ stayed for nineteen (days) praying two *Rak’ah*. Ibn ‘Abbās said: “So when we would stay somewhere for nineteen (days) we would pray two *Rak’ah*, and if we stayed longer than that we would complete the *Ṣalāt*.”

It has been reported that ‘Alī said: “Whoever stays for ten days then he completes the *Ṣalāt*.”

It has been reported that Ibn ‘Umar said: “Whoever stays for fifteen days, then he completes the *Ṣalāt*.” Twelve has also been reported from him.

٥٤٨ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا يَحْيَى بْنُ أَبِي إِسْحَاقَ الْخَضْرَوِيُّ: حَدَّثَنَا أَنَسُ بْنُ مَالِكٍ قَالَ: خَرَجْنَا مَعَ النَّبِيِّ ﷺ مِنَ الْمَدِينَةِ إِلَى مَكَّةَ فَصَلَّى رَكْعَتَيْنِ، قَالَ: قُلْتُ لِأَنَسٍ: كَمْ أَقَامَ رَسُولُ اللَّهِ ﷺ بِمَكَّةَ؟ قَالَ: عَشْرًا.

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عَبَّاسٍ وَجَابِرٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ أَنَسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَقَدْ رَوَى عَنِ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ أَنَّهُ [أَقَامَ فِي بَعْضِ أَسْفَارِهِ تِسْعَ عَشْرَةَ يُصَلِّي رَكْعَتَيْنِ قَالَ ابْنُ عَبَّاسٍ: فَتَحْنُ إِذَا أَقَمْنَا مَا بَيْنَنَا وَبَيْنَ تِسْعَ عَشْرَةَ صَلَّيْنَا رَكْعَتَيْنِ وَإِنْ زِدْنَا عَلَى ذَلِكَ أَتَمَمْنَا الصَّلَاةَ.

وَرَوَى عَنْ عَلِيٍّ أَنَّهُ قَالَ: مَنْ أَقَامَ عَشْرَةَ أَيَّامٍ أَتَمَّ الصَّلَاةَ.

وَرَوَى عَنِ ابْنِ عُمَرَ أَنَّهُ قَالَ: مَنْ أَقَامَ خَمْسَةَ عَشَرَ يَوْمًا أَتَمَّ الصَّلَاةَ. [وَقَدْ] رَوَى عَنْهُ يُتَيَّ عَشْرَةَ.

وَرَوَى عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ أَنَّهُ قَالَ: إِذَا أَقَامَ أَرْبَعًا صَلَّى أَرْبَعًا.

It has been reported that Sa'eed bin Al-Musayyab said: "When he stays for four (days) he prays four (*Rak'ah*)."

That was reported from him by Qatādah, and 'Aṭā' Al-Khurāsānī. Dāwūd bin Abī Hind reported something from him that contradicts this, and the people of knowledge differed after that.

As for Sufyān Ath-Thawrī and the people of Al-Kūfah, they followed the fifteen day time limit. They said if one intends to stay for fifteen days he completes the *Ṣalāt*.

Al-Awzā'ī said: If he intends to stay for twelve days he completes the *Ṣalāt*.

Mālik (bin Anas), Aṣh-Shāfi'ī, and Aḥmad said: When he intends to stay for four days, he completes the *Ṣalāt*.

As for Ishāq, he saw that the strongest view was in the *Hadīth* of Ibn 'Abbās, he said: "Because he related it from the Prophet ﷺ. Then after the Prophet ﷺ, he (Ibn 'Abbās) gave the interpretation of it; that if one intends to stay for nineteen days he completes the *Ṣalāt*."

Then the people of knowledge agree that the traveler is to shorten his prayer as long as he does not intend to stay somewhere, even if that turns into years.

تخريج: متفق عليه، وأخرجه مسلم، صلاة المسافرين، باب صلاة المسافرين وقصرها، ح: ٦٩٣ من حديث هشيم والبخاري، ح: ١٠٨١ من حديث يحيى بن أبي إسحاق به * وفي الباب عن ابن عباس [يأتي: ٥٤٩] وجابر [أبو داود، ح: ١٢٣٥] * حديث ابن عباس: "أقام في بعض أسفاره . . . إلخ" أبو داود، ح: ١٢٣٥ * وأثر علي: لم أجده، وابن عمر: لم أجده وسعيد بن المسيب: لم أجده.

وَرَوَى ذَلِكَ عَنْهُ قَتَادَةُ وَعَطَاءُ الْخُرَاسَانِيُّ
وَرَوَى عَنْهُ دَاوُدُ بْنُ أَبِي هِنْدٍ خِلَافَ هَذَا.
وَاخْتَلَفَ أَهْلُ الْعِلْمِ بَعْدَ فِي ذَلِكَ.
فَأَمَّا سُفْيَانُ الثَّوْرِيُّ وَأَهْلُ الْكُوفَةِ فَذَهَبُوا
إِلَى تَوْقِيتِ خَمْسَ عَشْرَةَ، وَقَالُوا: إِذَا أَجْمَعَ
عَلَى إِقَامَةِ خَمْسَ عَشْرَةَ أَتَمَّ الصَّلَاةَ.
وَقَالَ الْأَوْزَاعِيُّ: إِذَا أَجْمَعَ عَلَى إِقَامَةِ
ثِنْتَيْ عَشْرَةَ أَتَمَّ الصَّلَاةَ.

وَقَالَ مَالِكُ [بْنُ أَنَسٍ] وَالشَّافِعِيُّ وَأَحْمَدُ:
إِذَا أَجْمَعَ عَلَى إِقَامَةِ أَرْبَعٍ أَتَمَّ الصَّلَاةَ.
وَأَمَّا إِسْحَاقُ فَرَأَى أَقْوَى الْمَذَاهِبِ فِيهِ
حَدِيثَ ابْنِ عَبَّاسٍ، قَالَ: لِأَنَّهُ رُوِيَ عَنِ
النَّبِيِّ ﷺ، ثُمَّ تَأَوَّلَهُ بَعْدَ النَّبِيِّ ﷺ إِذَا أَجْمَعَ
عَلَى إِقَامَةِ تِسْعَ عَشْرَةَ أَتَمَّ الصَّلَاةَ.
ثُمَّ أَجْمَعَ أَهْلُ الْعِلْمِ عَلَى أَنَّ لِلْمُسَافِرِ أَنْ
يَقْصُرَ مَا لَمْ يُجْمِعْ إِقَامَةً، وَإِنْ أَتَى عَلَيْهِ
سِتُونَ.

Comments:

Shaikh Ubaidullah Mubārakpurī preferred the view of the *A'imma* of Hijāz, forty eight miles, concerning the distance of shortening the prayer, and he preferred the opinion of Imām Aḥmad about the period of journey. [*Mirāt*: 2 / 256]

If one intends to stay for three days, he should shorten the prayer; and if the intention is to stay more than that, then he should pray full prayer from the first day. However he is allowed to shorten the prayer while traveling. The preferred view concerning the distance of shortening the prayer is of twenty three kilometres. Allāh knows the truth best!

549. Ibn ‘Abbās narrated: “The Messenger of Allāh ﷺ traveled on a journey and he prayed two *Rak’ah* and two *Rak’ah* for nineteen days.” Ibn ‘Abbās said: “So when we would stay somewhere for nineteen (days) we would pray two *Rak’ah*, and if we stayed longer than that we would complete the *Ṣalāt*.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan Gharīb Ṣaḥīḥ*.

٥٤٩ - حَدَّثَنَا هَذَا [بْنُ السَّرِيِّ]: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ عَاصِمِ الْأَحْوَلِ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: سَافَرَ رَسُولُ اللَّهِ ﷺ سَفَرًا فَصَلَّى تِسْعَةَ عَشَرَ يَوْمًا رَكْعَتَيْنِ رَكْعَتَيْنِ، قَالَ ابْنُ عَبَّاسٍ: فَتَحْنُ نُصَلِّي فِيمَا بَيْنَنَا وَبَيْنَ تِسْعَ عَشْرَةَ رَكْعَتَيْنِ رَكْعَتَيْنِ إِذَا أَقَمْنَا أَكْثَرَ مِنْ ذَلِكَ صَلَّيْنَا أَرْبَعًا.
قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ صَحِيحٌ.

تخریج: [إسناده صحيح] وأخرجه أحمد: ٢٢٣/١ عن أبي معاوية الضرير به وصرح بالسماع عنده ورواه البخاري، ح: ١٠٨٠ من طريق آخر عن عاصم الأحول به.

Comments:

A person on a journey is allowed to shorten only three prayers which consist of sets of four *Rak’ah*; *Maghrib* and *Fajr* prayers are not shortened, according to the consensus.

Chapter 41. What Has Been Related About Voluntary Prayers While Traveling

550. Al-Barā’ bin ‘Āzib said: “I accompanied the Messenger of Allāh ﷺ on eighteen journeys, and I did not see him leave the two *Rak’ah* when the sun waned before *Zuhr*.” (*Ḥasan*)

There is something on this topic from Ibn ‘Umar.

(المعجم ٤١) - بَابُ مَا جَاءَ فِي التَّطَوُّعِ فِي السَّفَرِ (التحفة ٢٧٦)

٥٥٠ - حَدَّثَنَا قُتَيْبَةُ [بْنُ سَعِيدٍ]: حَدَّثَنَا اللَّيْثُ ابْنُ سَعْدٍ عَنْ صَفْوَانَ بْنِ سُلَيْمٍ، عَنْ أَبِي بُسْرَةَ الْغِفَارِيِّ، عَنْ الْبَرَاءِ بْنِ عَازِبٍ قَالَ: صَحِبْتُ رَسُولَ اللَّهِ ﷺ ثَمَانِيَةَ عَشَرَ سَفَرًا فَمَا رَأَيْتُهُ تَرَكَ الرُّكْعَتَيْنِ إِذَا زَاغَتِ الشَّمْسُ قَبْلَ الظُّهْرِ.

Abū 'Eīsā said: The *Hadīth* of Al-Barā' is a *Gharīb Hadīth*.

He said: I asked Muḥammad about it, and he did not know of it except as a narration of Al-Laith bin Sa'd, and he did not know the name of Abū Bushrah Al-Ghifārī, and he considered his narrations to be *Hasan*.

It has been reported from Ibn 'Umar that the Prophet ﷺ would not perform voluntary prayers while traveling before the (obligatory) *Ṣalāt* nor after it. And it has been reported from him (Ibn 'Umar) that the Prophet ﷺ would perform voluntary prayers while traveling.

Then, the people of knowledge differed after the Prophet ﷺ, some of the Companions of the Prophet ﷺ thought that one could perform voluntary prayers while traveling. This is the view of Aḥmad and Ishāq. A group of the people of knowledge did not think that one was to pray before obligatory prayers or after them. Those who say that one is to not perform voluntary prayers while traveling mean that he should accept the permission (to not do so), and if one does perform voluntary prayers, then he would get many rewards for that. This is the view of most of the people of knowledge that prefer voluntary prayers while traveling.

تخريج: [إسناده حسن] وأخرجه أبو داود، صلاة السفر، باب التطوع في السفر، ح: ١٢٢٢ عن قتيبة به وصححه ابن خزيمة، ح: ١٢٥٣ والحاكم على شرط الشيخين: ٣١٥/١ ووافقه الذهبي * أبو بسرة الغفاري ثقة وثقه العجلي المعتدل وابن حبان وغيرهما * "كان لا يتطوع في السفر ... إلخ" تقدم: ٥٤٤.

وفي البابِ عَنِ ابْنِ عُمَرَ.

قَالَ أَبُو عِيْسَى: حَدِيثُ الْبَرَاءِ حَدِيثٌ غَرِيبٌ.

قَالَ: [و] سَأَلْتُ مُحَمَّدًا عَنْهُ فَلَمْ يَعْرِفْهُ إِلَّا مِنْ حَدِيثِ اللَّيْثِ بْنِ سَعْدٍ وَلَمْ يَعْرِفْ اسْمَ أَبِي بُسْرَةَ الْغِفَارِيِّ وَرَأَاهُ حَسَنًا.

وَرُوِيَ عَنِ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ كَانَ لَا يَتَطَوَّعُ فِي السَّفَرِ قَبْلَ الصَّلَاةِ وَلَا بَعْدَهَا. وَرُوِيَ عَنْهُ عَنِ النَّبِيِّ ﷺ أَنَّهُ كَانَ يَتَطَوَّعُ فِي السَّفَرِ.

ثُمَّ اخْتَلَفَ أَهْلُ الْعِلْمِ بَعْدَ النَّبِيِّ ﷺ فَرَأَى بَعْضُ أَصْحَابِ النَّبِيِّ ﷺ أَنَّ يَتَطَوَّعَ الرَّجُلُ فِي السَّفَرِ وَبِهِ يَقُولُ أَحْمَدُ وَإِسْحَاقُ، وَلَمْ يَرَ طَائِفَةٌ مِنْ أَهْلِ الْعِلْمِ أَنْ يَصَلِّيَ قَبْلَهَا وَلَا بَعْدَهَا وَمَعْنَى مَنْ لَمْ يَتَطَوَّعْ فِي السَّفَرِ قَبُولُ الرُّخْصَةِ، وَمَنْ تَطَوَّعَ فَلَهُ فِي ذَلِكَ فَضْلٌ كَثِيرٌ، وَهُوَ قَوْلُ أَكْثَرِ أَهْلِ الْعِلْمِ يَخْتَارُونَ التَّطَوُّعَ فِي السَّفَرِ.

Comments:

It is incorrect to pray regular *Sunnah* on a journey along with the obligatory prayer, in the view of some Companions and the successors. (*Al-Mughni*: 3/156, for further detail see: *Al-Mir'ar*: 2/262]

551. Ibn 'Umar narrated: "I prayed *Zuhr* with the Prophet ﷺ on a journey as two *Rak'ah*, and two *Rak'ah* after it." (*Da'if*)

Abū 'Eisā said: This *Hadīth* is *Hasan*, and Ibn Abī Laila narrated it from 'Aṭīyyah and Nāfi', from Ibn 'Umar.

٥٥١ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ عَنِ [الْحَجَّاجِ، عَنْ عَطِيَّةَ، عَنْ ابْنِ عُمَرَ قَالَ: صَلَّيْتُ مَعَ النَّبِيِّ ﷺ الظُّهْرَ فِي السَّفَرِ رَكْعَتَيْنِ وَبَعْدَهَا رَكْعَتَيْنِ. قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ وَقَدْ رَوَاهُ ابْنُ أَبِي لَيْلَى عَنْ عَطِيَّةَ وَنَافِعٍ، عَنْ ابْنِ عُمَرَ.

تخريج: [إسناده ضعيف] وأخرجه أحمد: ٩٠/٢ من طريق آخر عن عطية العوفي به وانظر الحديث الآتي.

552. Ibn 'Umar narrated: "I prayed with the Prophet ﷺ both, while a resident and while traveling. So I prayed four for *Zuhr* with him as a resident, and two *Rak'ah* after it. I prayed two *Rak'ah* for *Zuhr* with him while traveling, and two *Rak'ah* after it, and two *Rak'ah* for *Asr*, and he did not pray anything after it. *Maghrib* while a resident and traveling is the same; three *Rak'ah*, it is not decreased as a resident nor while traveling. It is the *Witr* of the day, and after it are two *Rak'ah*." (*Da'if*)

Abū 'Eisā said: This *Hadīth* is *Hasan*, I heard Muḥammad saying: "Ibn Abī Laila did not narrate anything more amazing to me than this (and I do not report anything from him)."

٥٥٢ - حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ الْمُحَارِبِيُّ [يَعْنِي الْكُوفِيَّ]: حَدَّثَنَا عَلِيُّ بْنُ هَاشِمٍ عَنِ ابْنِ أَبِي لَيْلَى، عَنْ عَطِيَّةَ وَنَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: صَلَّيْتُ مَعَ النَّبِيِّ ﷺ فِي الْحَضَرِ وَالسَّفَرِ، فَصَلَّيْتُ مَعَهُ فِي الْحَضَرِ الظُّهْرَ أَرْبَعًا وَبَعْدَهَا رَكْعَتَيْنِ، وَصَلَّيْتُ مَعَهُ فِي السَّفَرِ الظُّهْرَ رَكْعَتَيْنِ وَبَعْدَهَا رَكْعَتَيْنِ وَالْعَصْرَ رَكْعَتَيْنِ وَلَمْ يُصَلِّ بَعْدَهَا شَيْئًا وَالْمَغْرِبَ فِي الْحَضَرِ وَالسَّفَرِ سَوَاءً ثَلَاثَ رَكَعَاتٍ لَا يَنْقُصُ فِي حَضَرٍ وَلَا سَفَرٍ وَهِيَ وَتُرُّ النَّهَارَ وَبَعْدَهَا رَكْعَتَيْنِ.

قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ سَمِعْتُ مُحَمَّدًا يَقُولُ: مَا رَوَى ابْنُ أَبِي لَيْلَى حَدِيثًا أَعْجَبَ إِلَيَّ مِنْ هَذَا [وَلَا أُرْوِي عَنْهُ شَيْئًا].

تخريج: [إسناده ضعيف] وأخرجه ابن خزيمة، ح: ١٢٥٤ من حديث ابن أبي ليلي به وهو

ضعيف.

Comments:

This *Hadīth* tells that sometimes Ibn ‘Umar would pray the *Sunnah* which were after the obligatory prayer, but he did not regard them necessary. It looks as if offering the later *Sunnah* is better if time and circumstances allow.

Chapter 42. What Has Been Related About Combining Two Prayers

553. Mu‘adh bin Jabal narrated: “While the Prophet ﷺ was at the Battle of Tabūk, if he wanted to depart before the sun’s decline he would delay *Zuhr* so that he could pray it together with ‘*Asr*. If he wanted to depart after the sun’s decline, he would hasten ‘*Asr* to *Zuhr*, and pray *Zuhr* and ‘*Asr* together, and then move out. If he wanted to depart before *Maghrib* he would delay *Maghrib* until he prayed it with ‘*Ishā*’, and if he wanted to depart after *Maghrib* he would hasten ‘*Ishā*’ so that he would pray it along with *Maghrib*.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from ‘Alī, Ibn ‘Umar, Anas, ‘Abdullāh bin ‘Amr, ‘Āishah, Ibn ‘Abbās, Usāmah bin Zaid, and Jābir (bin ‘Abdullāh).

Abū ‘Eīsā said: (And the one that is *Ṣaḥīḥ* is from Usāmah.) And ‘Alī bin Al-Madīnī reported this *Hadīth* from Aḥmad bin Ḥanbal, from Qutaibah.

(المعجم ٤٢) - بَابُ مَا جَاءَ فِي الْجَمْعِ

بَيْنَ الصَّلَاتَيْنِ (التحفة ٢٧٧)

٥٥٣ - حَدَّثَنَا قُتَيْبَةُ [بْنُ سَعِيدٍ]: حَدَّثَنَا اللَّيْثُ بْنُ سَعْدٍ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي الطُّفَيْلِ [هُوَ عَامِرُ بْنُ وَاثِلَةَ] عَنْ مُعَاذِ بْنِ جَبَلٍ: أَنَّ النَّبِيَّ ﷺ كَانَ فِي غَزْوَةِ تَبُوكَ إِذَا ارْتَحَلَ قَبْلَ زَيْغِ الشَّمْسِ أَخَّرَ الظُّهْرَ إِلَى أَنْ يَجْمَعَهَا إِلَى الْعَصْرِ فَيُصَلِّيهِمَا جَمِيعًا وَإِذَا ارْتَحَلَ بَعْدَ زَيْغِ الشَّمْسِ عَجَّلَ الْعَصْرَ إِلَى الظُّهْرِ وَصَلَّى الظُّهْرَ وَالْعَصْرَ جَمِيعًا ثُمَّ سَارَ وَكَانَ إِذَا ارْتَحَلَ قَبْلَ الْمَغْرِبِ أَخَّرَ الْمَغْرِبَ حَتَّى يُصَلِّيَهَا مَعَ الْعِشَاءِ وَإِذَا ارْتَحَلَ بَعْدَ الْمَغْرِبِ عَجَّلَ الْعِشَاءَ فَصَلَّاهَا مَعَ الْمَغْرِبِ.

[قال:] وفي الباب عَنْ عَلِيٍّ وَابْنِ عُمَرَ وَأَنَسٍ وَعَبْدِ اللَّهِ بْنِ عَمْرٍو وَعَائِشَةُ وَابْنِ عَبَّاسٍ وَأُسَامَةُ بْنُ زَيْدٍ وَجَابِرٌ [بْنُ عَبْدِ اللَّهِ]. قَالَ أَبُو عِيْسَى: [وَالصَّحِيحُ: عَنْ أُسَامَةَ] وَرَوَى عَلِيُّ بْنُ الْمَدِينِيِّ عَنْ أَحْمَدَ بْنِ حَنْبَلٍ، عَنْ قُتَيْبَةَ هَذَا الْحَدِيثِ.

تخريج: [إسناده صحيح] وأخرجه أبو داود، صلاة السفر، باب الجمع بين الصلاتين، ح: ١٢٢٠ من حديث قتيبة به وصححه ابن حبان (الإحسان): ١٤٥٦ وابن القيم وأعل بعله غير قاذحة * وفي الباب عن علي [أبو داود، ح: ١٢٣٤] وابن عمر [البخاري، ح: ١٠٩١] ومسلم، ح: ٧٠٣ ويأتي [٥٥٥] وأنس [البخاري، ح: ١١١١] ومسلم، ح: ٧٠٤ وعبدالله بن عمرو [أحمد: ١٧٩/٢، ١٨٠] وعائشة [أحمد: ١٣٥/٦] وابن عباس [مسلم، ح: ٧٠٥] وأسامة بن زيد [البخاري، ح: ١٦٧٢] ومسلم، ح: ١٢٨٠ وجابر بن عبدالله [أبو داود، ح: ١٢١٥].

554. [(Another chain) Qutaibah narrated this *Hadīth* to us, meaning the *Hadīth* of Mu'adh]. (*Ṣaḥīḥ*)

The *Hadīth* of Mu'adh is a *Ḥasan Gharīb Hadīth*, Qutaibah is alone with it, we do not know of anyone who reported it from Al-Laith other than him. And the *Hadīth* of Al-Laith from Yazīd bin Abī Ḥabīb, from Abū Ṭufail, from Mu'adh, is a *Gharīb Hadīth*.

What is popular among the people of knowledge is that the *Hadīth* of Mu'adh is narrated by Abū Az-Zubair from Abū Aṭ-Ṭufail from Mu'adh: "That during the Battle of Tabūk, the Prophet ﷺ combined *Zuhr* and '*Asr*, and, *Maghrib* and '*Ishā*.'" This was reported by Qurrah bin Khālīd, Sufyān Ath-Thawrī, Mālik and others – from Abū Az-Zubair Al-Makkī. The view of Ash-Shāfi'ī is in accordance with this *Hadīth*. Aḥmad and Ishāq said that there is no harm if one combines the two prayers while traveling, during the time of either of them.

٥٥٤ - [حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ سُلَيْمَانَ: حَدَّثَنَا زَكَرِيَّا اللُّؤْلُؤِيُّ: حَدَّثَنَا أَبُو بَكْرِ الْأَعْيَنُ: حَدَّثَنَا عَلِيُّ بْنُ الْمَدِينِيِّ: حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا قُتَيْبَةُ بِهَذَا الْحَدِيثِ يَعْنِي حَدِيثَ مُعَاذٍ].

وَحَدِيثُ مُعَاذٍ حَدِيثٌ حَسَنٌ غَرِيبٌ تَفَرَّدَ بِهِ قُتَيْبَةُ لَا نَعْرِفُ أَحَدًا رَوَاهُ عَنِ اللَّيْثِ غَيْرُهُ، وَحَدِيثُ اللَّيْثِ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي الطُّفَيْلِ، عَنْ مُعَاذٍ حَدِيثٌ غَرِيبٌ، وَالْمَعْرُوفُ عِنْدَ أَهْلِ الْعِلْمِ حَدِيثُ مُعَاذٍ مِنْ حَدِيثِ أَبِي الزُّبَيْرِ عَنْ أَبِي الطُّفَيْلِ، عَنْ مُعَاذٍ: أَنَّ النَّبِيَّ ﷺ جَمَعَ فِي غَزْوَةِ تَبُوكَ بَيْنَ الظُّهْرِ وَالْعَصْرِ وَبَيْنَ الْمَغْرِبِ وَالْعِشَاءِ. رَوَاهُ قُرَّةُ بْنُ خَالِدٍ وَسُفْيَانُ الثَّوْرِيُّ وَمَالِكٌ وَغَيْرُ وَاحِدٍ عَنْ أَبِي الزُّبَيْرِ الْمَكِّيِّ وَبِهَذَا الْحَدِيثِ يَقُولُ الشَّافِعِيُّ. وَأَحْمَدُ وَإِسْحَاقُ يَقُولَانِ: لَا بَأْسَ أَنْ يَجْمَعَ بَيْنَ الصَّلَاتَيْنِ فِي السَّفَرِ فِي وَقْتٍ إِحْدَاهُمَا.

تخريج: [إسناده صحيح] وهو في المسند لأحمد: ٢٤١/٥ * حديث قرة عن أبي الزبير: أخرجه مسلم، ح: ٥٣/٧٠٦.

Comments:

Combining a former prayer with the later one should be practised when setting off for a journey or during the journey, because *Sharī'ah* requires that prayer should be performed at its due time and combining two prayers is only the appropriate permission. (*Hujjatullāh*: 2/240)

555. Nāfi' narrated: "Ibn 'Umar had been requested to urgently attend to one of his wives, so he hurried en route and delayed *Maghrib* until the twilight disappeared, then he dismounted to combine them (the

٥٥٥ - حَدَّثَنَا هَتَّادُ [ابْنُ السَّرِيِّ]: حَدَّثَنَا عَبْدُهُ [ابْنُ سُلَيْمَانَ] عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ أَنَّهُ اسْتَعِثَّ عَلَى بَعْضِ أَهْلِهِ فَجَدَّ بِهِ السَّيْرُ وَأَخَّرَ الْمَغْرِبَ

prayers). Then he informed them that the Messenger of Allāh ﷺ would do that when he was in a hurry on a trip.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

(And the *Ḥadīth* of Al-Laith from Yazīd bin Abī Ḥabīb is a *Ḥasan Ṣaḥīḥ Ḥadīth*.)

حَتَّى غَابَ الشَّمْسُ ثُمَّ نَزَلَ فَجَمَعَ بَيْنَهُمَا ثُمَّ أَخْبَرَهُمْ أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يَفْعَلُ ذَلِكَ إِذَا جَدَّ بِهِ السَّيْرُ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

[وَحَدِيثُ اللَّيْثِ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ حَدِيثٌ حَسَنٌ صَحِيحٌ].

تخريج: وأخرجه مسلم، صلاة المسافرين، باب جواز الجمع بين الصلاتين، ح: ٧٠٣ حديث عبيد الله بن عمر به.

Comments:

It has the permission of combining a former prayer with the later one.

Chapter 43. What Has Been Related About *Ṣalāt Al-Istisqā’* (The Prayer To Request Rain)

(المعجم ٤٣) - بَابُ مَا جَاءَ فِي صَلَاةِ
الِاسْتِسْقَاءِ (التحفة ٢٧٨)

556. ‘Abbād bin Tamīm narrated from his uncle: “The Messenger of Allāh ﷺ went out with the people to seek rain. So he led them in prayer for two *Rak’ah*, reciting aloud in them, turning his upper wrap around, raising his hands, requesting rain, and facing the *Qiblah*.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ibn ‘Abbās, Abū Hurairah, Anas, and Ābī Al-Laḥm.

Abū ‘Eisā said: The *Ḥadīth* of ‘Abdullāh bin Zaid is a *Ḥasan Ṣaḥīḥ Ḥadīth*. One should act based upon this, according to the people of knowledge. It is the view of Ash-Shāfi‘ī, Aḥmad, and Ishāq.

‘Abbād bin Tamīm’s uncle’s name is ‘Abdullāh bin Zaid bin ‘Āsim Al-Māzinī.

٥٥٦ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ عَبَّادِ بْنِ تَمِيمٍ، عَنْ عَمِّهِ: أَنَّ رَسُولَ اللَّهِ ﷺ خَرَجَ بِالنَّاسِ يَسْتَسْقِي فَصَلَّى بِهِمْ رَكْعَتَيْنِ جَهْرًا بِالقِرَاءَةِ فِيهِمَا وَحَوَّلَ رِدَاءَهُ وَرَفَعَ يَدَيْهِ وَاسْتَسْقَى وَاسْتَقْبَلَ الْقِبْلَةَ.

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عَبَّاسٍ وَأَبِي هُرَيْرَةَ وَأَنَسٍ وَأَبِي اللَّحْمِ.

قَالَ أَبُو عِيسَى: حَدِيثُ عَبْدِ اللَّهِ بْنِ زَيْدٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَعَلَى هَذَا الْعَمَلِ عِنْدَ أَهْلِ الْعِلْمِ وَبِهِ يَقُولُ الشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ.

وَأَسْمُ عَمِّ عَبَّادِ بْنِ تَمِيمٍ هُوَ عَبْدُ اللَّهِ بْنُ زَيْدِ بْنِ عَاصِمٍ الْمَازِنِيُّ.

تخريج: متفق عليه، وأخرجه البخاري، الاستسقاء، باب الجهر بالقراءة في الاستسقاء،

ح: ١٠٢٤ ومسلم، ح: ٨٩٤ من حديث الزهري به وهو في مصنف عبدالرزاق: ٨٣/٣، ح: ٤٨٨٩ * وفي الباب عن ابن عباس [يأتي: ٥٥٨] وأبي هريرة [ابن ماجه، ح: ١٢٦٨] وأنس [مسلم، ح: ٨٩٦] وأبي اللحم [يأتي: ٥٥٧].

Comments:

According to the majority scholars, Imām Shāfi‘ī, Mālik, Aḥmad, the two disciples of Imām Abū Ḥanīfah and other people of knowledge: performing a prayer to seek rain is proven from the *Sunnah*. Shaikh Taqī ‘Uṭhmānī said, Imām Abū Ḥanīfah also holds the view that the prayer for rain is *Sunnah*, and his saying that prayer for rain is not *Sunnah* means that the *Sunnah* of seeking rain is not specified only with prayer; instead this *Sunnah* can also be performed just by making supplication and seeking forgiveness.

557. ‘Umar, the freed slave of Ābī Al-Laḥm narrated from Ābī Al-Laḥm that he saw the Messenger of Allāh ﷺ at Aḥjār Az-Zait,^[1] supplicating for rain, and he was raising his hands in supplication. (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This is how Qutaibah narrated this *Ḥadīth*, “from Ābī Al-Laḥm” and we do not know anything he narrated from the Prophet ﷺ except for this one *Ḥadīth*. And ‘Umar, the freed slave of Ābī Al-Laḥm reported *Aḥādīth* from the Prophet ﷺ, and he was a Companion.

٥٥٧ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ [بْنُ سَعْدٍ] عَنْ خَالِدِ بْنِ يَزِيدَ، عَنْ سَعِيدِ بْنِ أَبِي هَلَالٍ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ، عَنْ عُمَيْرِ مَوْلَى أَبِي اللَّحْمِ، عَنْ أَبِي اللَّحْمِ أَنَّهُ رَأَى رَسُولَ اللَّهِ ﷺ عِنْدَ أَحْجَارِ الزَّيْتِ يَسْتَغْفِرُ وَهُوَ مُقْنِعٌ بِكَفِّهِ يَدْعُو.

قَالَ أَبُو عِيسَى: كَذَا قَالَ قُتَيْبَةُ فِي هَذَا الْحَدِيثِ عَنْ أَبِي اللَّحْمِ وَلَا نَعْرِفُ لَهُ عَنْ النَّبِيِّ ﷺ إِلَّا هَذَا الْحَدِيثَ الْوَاحِدَ. وَعُمَيْرُ مَوْلَى أَبِي اللَّحْمِ قَدْ رَوَى عَنْ النَّبِيِّ ﷺ أَحَادِيثَ وَلَهُ صُحْبَةٌ.

تخریج: [صحيح] وأخرجه النسائي: ١٥٨/٣، ١٥٩، ١٥١٥ (الاستسقاء، باب: كيف يرفع) عن قتيبة به وصححه الحاكم: ١/٥٣٥ والذهبي وللحديث شواهد عند أبي داود، ح: ١١٦٨، ١١٧٢ وابن حبان، ح: ٦٠١، ٦٠٢ وغيرهما.

558. It is narrated from Hishām bin Ishāq – and he was Ibn ‘Abdullāh bin Kinānah – from his father who said: “Al-Walid bin ‘Uqbah, the governor of Al-Madīnah, sent me to ask Ibn ‘Abbās about how the Messenger of Allāh ﷺ would

٥٥٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ عَنْ هِشَامِ بْنِ إِسْحَاقَ وَهُوَ ابْنُ عَبْدِ اللَّهِ بْنِ كِنَانَةَ، عَنْ أَبِيهِ قَالَ: أَرْسَلَنِي الْوَلِيدُ ابْنُ عُقْبَةَ وَهُوَ أَمِيرُ الْمَدِينَةِ إِلَى ابْنِ عَبَّاسٍ

^[1] An area in Al-Madīnah with volcanic rocks coated with oil. See *Tuhfat Al-Aḥwadhī*.

perform *Ṣalāt Al-Istisqā'*. I came to him and he said: 'The Messenger of Allāh ﷺ would go out in modest dress, humbly, imploring, until he reached the *Muṣallā*. He would not give this *Khuṭbah* of yours, rather, he would continue supplicating and imploring and saying the *Takbīr*, and pray two *Rak'ah*, just as he would pray for the 'Eid.'" (*Ḥasan*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

أَسْأَلُهُ، عَنِ اسْتِسْقَاءِ رَسُولِ اللَّهِ ﷺ، فَأَنْبِئْتُهُ فَقَالَ: إِنَّ رَسُولَ اللَّهِ ﷺ خَرَجَ مُتَبَدِّلًا مُتَوَاضِعًا مُتَضَرِّعًا حَتَّى أَتَى الْمُصَلَّى فَلَمْ يَخْطُبْ خُطْبَتَكُمْ هَذِهِ، وَلَكِنْ لَمْ يَزَلْ فِي الدُّعَاءِ وَالتَّضَرُّعِ وَالتَّكْبِيرِ، وَصَلَّى رَكْعَتَيْنِ كَمَا كَانَ يُصَلِّي فِي الْعِيدِ.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: [إسناده حسن] وأخرجه أبو داود، صلاة الاستسقاء، باب جماع أبواب صلاة الاستسقاء وتفرعها، ح: ١١٦٥ من حديث حاتم به وصححه ابن خزيمة، ح: ١٤٠٥ وابن حبان، ح: ٦٠٣ والنووي.

Comments:

Imām Shāfi'ī said: 'Like the prayer of 'Eid' means that seven *Takbīr* are to be said in the first *Rak'ah* before the recitation and five in the second *Rak'ah*, whereas the majority of the scholars said: It means to recite loud like in the 'Eid Prayer and the two *Rak'ah* are led before the sermon. (*Tahfat Al-Ahwadhi*: 1/390); the majority are Imām Mālik, Ath-Thawrī, Al-Awzā'ī, Aḥmad, Ishāq, Abū Thawr, Abū Yūsuf and Muḥammad.

559. (Another chain) from Hishām bin Ishāq bin 'Abdullāh bin Kinānah, from his father, and he mentioned a similar narration and added: "with humility" to it. (*Ḥasan*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

And it is the view of Ash-Shāfi'ī, he said: "*Ṣalāt Al-Istisqā'* is prayed like the two 'Eid prayers. The *Takbīr* is said seven times in the first *Rak'ah*, and five times in the second." And he used the *Ḥadīth* of Ibn 'Abbās as proof.

Abū 'Eisā said: It has been reported that Mālik bin Anas said: "There is no *Takbīr* in *Ṣalāt Al-Istisqā'* like that of the two 'Eid prayers."

٥٥٩ - حَدَّثَنَا مُحَمَّدُ بْنُ غِيلَانَ: حَدَّثَنَا وَكِيعٌ عَنْ سُفْيَانَ، عَنْ هِشَامِ بْنِ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ كِنَانَةَ، عَنْ أَبِيهِ فَذَكَرَ نَحْوَهُ، وَزَادَ فِيهِ مُتَحَضِّعًا.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَهُوَ قَوْلُ الشَّافِعِيِّ قَالَ: يُصَلِّي صَلَاةَ الْإِسْتِسْقَاءِ نَحْوَ صَلَاةِ الْعِيدَيْنِ، يُكَبِّرُ فِي الرُّكْعَةِ الْأُولَى سَبْعًا، وَفِي الثَّانِيَةِ خَمْسًا. وَاجْتَمَعَ بِحَدِيثِ ابْنِ عَبَّاسٍ.

قَالَ أَبُو عِيسَى: وَرَوَى عَنْ مَالِكِ بْنِ أَنَسٍ أَنَّهُ قَالَ: لَا يُكَبِّرُ فِي صَلَاةِ الْإِسْتِسْقَاءِ كَمَا يُكَبِّرُ فِي صَلَاةِ الْعِيدَيْنِ.

(An-Nu'mān Abū Ḥanīfah said: "Ṣalāt Al-Istisqā' is not to be prayed, nor would I tell people to turn their upper wraps around. Rather, they are to supplicate and to repent all together." Abū 'Eisā said: This contradicts the *Sunnah*.)

[وَقَالَ الثُّعْمَانُ أَبُو حَنِيفَةَ: لَا تُصَلِّي صَلَاةَ الْأَسْتِسْقَاءِ وَلَا أَمْرُهُمْ بِتَحْوِيلِ الرِّدَاءِ، وَلَكِنْ يَدْعُونَ وَيَرْجِعُونَ بِجُمْلَتِهِمْ. قَالَ أَبُو عِيْسَى: خَالَفَ السُّنَّةَ].

تخريج: [حسن] وأخرجه ابن ماجه، إقامة الصلوات، باب ماجاء في صلاة الاستسقاء، ح: ١٢٦٦ من حديث وكيع به وانظر الحديث السابق.

Comments:

- (1) The interpretation of the opinion of Imām Abū Ḥanīfah, according to the *Ahnāf*, has already been mentioned. Shaikh Banawrī said, Imām Abū Ḥanīfah denied the prayer for rain being a Stressed *Sunnah*, but he did not deny it being *Sunnah* and desirable. (*Ma'ārif*: 4/492).
- (2) For the supplication for rain, the hands will be raised upside down i.e., the back of the palms will be turned up and the palms towards the ground. (*Sharh Muslim*: 1/293)

Chapter 44. What Has Been Related About Ṣalāt Al-Kusūf (The Eclipse Prayer)

(المعجم ٤٤) - بَابُ [مَا جَاءَ] فِي صَلَاةِ الْكُسُوفِ (التحفة ٢٧٩)

560. Ibn 'Abbās narrated: "The Prophet ﷺ prayed during the eclipse. He recited, then bowed, then recited, then bowed. then recited, then bowed. (three times), then he performed two prostrations, and the next one (*Rak'ah*) was the same." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from 'Alī, 'Āishah, 'Abdullāh bin 'Amr, An-Nu'mān bin Bashīr, Al-Mughīrah bin Shu'bah, Abū Mas'ūd, Abū Bakrah, Samurah, Ibn Mas'ūd, Asmā' bint Abī Bakr (Aṣ-Ṣiddīq), Ibn 'Umar, Qabīṣah Al-Hilālī, Jābir bin 'Abdullāh, Abū Mūsā, 'Abdur-Raḥmān bin Samurah, and Ubayy bin Ka'b.

٥٦٠ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ سُفْيَانَ، عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ، عَنْ طَاوُسٍ، عَنْ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ أَنَّهُ صَلَّى فِي كُسُوفٍ فَقَرَأَ ثُمَّ رَكَعَ ثُمَّ قَرَأَ ثُمَّ رَكَعَ ثُمَّ قَرَأَ ثُمَّ رَكَعَ، [ثَلَاثَ مَرَّاتٍ] ثُمَّ سَجَدَ سَجْدَتَيْنِ، وَالْأُخْرَى مِثْلَهَا. [قَالَ:] وَفِي الْبَابِ عَنْ عَلِيٍّ وَعَائِشَةَ وَعَبْدِ اللَّهِ بْنِ عَمْرٍو وَالثُّعْمَانِ بْنِ بَشِيرٍ وَالْمُغِيرَةَ بْنَ سَعْبَةَ وَأَبِي مَسْعُودٍ وَأَبِي بَكْرَةَ وَسَمُرَةَ وَابْنَ مَسْعُودٍ وَأَسْمَاءَ ابْنَةَ أَبِي بَكْرٍ [الصَّدِّيقِ] وَابْنَ عُمَرَ وَقَبِيصَةَ الْهَلَالِيِّ وَجَابِرَ ابْنَ عَبْدِ اللَّهِ وَأَبِي مُوسَى وَعَبْدَ الرَّحْمَنِ بْنَ سَمُرَةَ وَأَبِي بَنٍ كَعْبٍ.

The Chapters On Traveling

Abū 'Eisā said: The *Hadīth* of Ibn 'Abbās is a *Hasan Ṣaḥīḥ Hadīth*.

It has been reported from Ibn 'Abbās that the Prophet ﷺ prayed four bowings with four prostrations during an eclipse.

This is the view of Ash-Shāfi'ī, Aḥmad, and Ishāq.

He said: The people of knowledge differ over the recitation for the eclipse prayer. Some of the people of knowledge held the view that the recitation was silent if it was during the day. Some of them held the view that it was aloud just as in the case with the two 'Eid prayers and the Friday prayer.

This was the view of Mālik, Aḥmad, and Ishāq, they thought that it should be aloud.

Ash-Shāfi'ī said that it is not aloud.

Both of these practices are correctly narrated from the Prophet ﷺ.

It is correct that he prayed four bowings with four prostrations, and it is also correct that he prayed six bowings with four prostrations.

This is permissible according to the people of knowledge, based upon the length of the eclipse. If the eclipse is long then he prays six bowings with four prostrations, then this is allowed. If he prays four bowings with four prostrations and lengthens his recitation in it then that is allowed.

Our companions thought that the eclipse prayer was to be held in congregation during the eclipse of the sun and the moon.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَقَدْ رَوَى عَنْ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ أَنَّهُ صَلَّى فِي كُسُوفِ أَرْبَعِ رَكَعَاتٍ فِي أَرْبَعِ سَجَدَاتٍ.

وَبِهِ يَقُولُ الشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ. قَالَ: وَاخْتَلَفَ أَهْلُ الْعِلْمِ فِي الْقِرَاءَةِ فِي صَلَاةِ الْكُسُوفِ، فَرَأَى بَعْضُ أَهْلِ الْعِلْمِ أَنَّ يُسَرَّ بِالْقِرَاءَةِ فِيهَا بِالنَّهَارِ.

وَرَأَى بَعْضُهُمْ أَنَّ يَجْهَرَ بِالْقِرَاءَةِ فِيهَا كَنَحْوِ صَلَاةِ الْعِيدَيْنِ وَالْجُمُعَةِ.

وَبِهِ يَقُولُ مَالِكٌ وَأَحْمَدُ وَإِسْحَاقُ يَرَوْنَ الْجَهْرَ فِيهَا.

[وَأَقَالَ الشَّافِعِيُّ: لَا يَجْهَرُ فِيهَا.

وَقَدْ صَحَّ عَنْ النَّبِيِّ ﷺ كِلَا الرَّوَايَتَيْنِ. صَحَّ عَنْهُ أَنَّهُ صَلَّى أَرْبَعِ رَكَعَاتٍ فِي أَرْبَعِ سَجَدَاتٍ، وَصَحَّ عَنْهُ [أَيْضًا] أَنَّهُ صَلَّى سِتَّ رَكَعَاتٍ فِي أَرْبَعِ سَجَدَاتٍ.

وَهَذَا عِنْدَ أَهْلِ الْعِلْمِ جَائِزٌ عَلَى قَدْرِ الْكُسُوفِ، إِنْ تَطَاوَلَ الْكُسُوفُ فَصَلَّى سِتَّ رَكَعَاتٍ فِي أَرْبَعِ سَجَدَاتٍ فَهُوَ جَائِزٌ، وَإِنْ صَلَّى أَرْبَعِ رَكَعَاتٍ فِي أَرْبَعِ سَجَدَاتٍ وَأَطَالَ الْقِرَاءَةَ فَهُوَ جَائِزٌ.

وَيَرَى أَصْحَابُنَا أَنَّ تُصَلَّى صَلَاةُ الْكُسُوفِ فِي جَمَاعَةٍ فِي كُسُوفِ الشَّمْسِ وَالْقَمَرِ.

تخریج: وأخرجه مسلم، الكسوف، باب ذكر من قال إنه ركع ثمان ركعات في أربع سجعات، ح: ٩٠٩ من حديث يحيى القطان به * وفي الباب عن علي [مسلم، ح: ١٨/٩٠٨] وعائشة [يأتي: ٥٦١، ٥٦٣] وعبدالله بن عمرو [البخاري، ح: ١٠٤٥ ومسلم، ح: ٩١٠] والنعمان ابن بشير [أبو داود، ح: ١١٩٣] والمغيرة بن شعبة [البخاري، ح: ١٠٤٣ ومسلم، ح: ٩١٥] وأبي مسعود [البخاري، ح: ١٠٤١ ومسلم، ح: ٩١١] وأبي بكرة [البخاري، ح: ١٠٤٠] وسمرة [يأتي: ٥٦٢] وابن مسعود [أحمد: ٤٥٩/١] وابن خزيمة، ح: ١٣٧٢ وأسماء بنت أبي بكر الصديق [البخاري، ح: ٨٦ ومسلم، ح: ٩٠٥] وابن عمر [البخاري، ح: ١٠٤٢ ومسلم، ح: ٩١٤] وقيصة الهلالي [أبو داود، ح: ١١٨٥] وجابر بن عبدالله [مسلم: ٩٠٤] وأبي موسى الأشعري [البخاري، ح: ١٠٥٩ ومسلم، ح: ٩١٢] وعبدالرحمن بن سمرة [مسلم، ح: ٩١٣] وأبي بن كعب [أبو داود، ح: ١١٨٢].

Comments:

1. The words '*Kusūf*' and '*Khusūf*' have been used, in the *Aḥādīth*, for both the solar and lunar eclipse, though usually '*Kusūf*' is used for solar eclipse and '*Khusūf*' for lunar.
2. Five *Rukū'* in each *Rak'ah* are proven from the noble Prophet ﷺ. [See: *Sunan Abū Dāwūd, Ḥadīth*: 1182]. So according to the length of the solar eclipse, making two to five *Rukū'* in each *Rak'ah* is correct and the prayer of eclipse consists of two *Rak'ah*. The Prophet ﷺ offered eclipse prayer, following various ways, on nineteen occasions.

561. 'Aishah narrated: "The sun was eclipsed during the time of the Messenger of Allāh ﷺ, so the Messenger of Allāh ﷺ led the people in prayer. He recited a lengthy recitation, then he bowed a lengthy bowing, then he raised his head and recited a lengthy recitation that was less than the first. Then he bowed a lengthy bowing that was less than the first. Then he raised his head and prostrated. Then he did (similar to) that in the second *Rak'ah*." (*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

The views of Ash-Shāfi'i, Aḥmad, and Ishāq are based on this *Ḥadīth*. They held the view that the eclipse prayer was four *Rak'ah* with four prostrations.

٥٦١ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَبِي الشَّوَارِبِ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ أَنَّهَا قَالَتْ: خَسَفَتِ الشَّمْسُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ فَصَلَّى رَسُولُ اللَّهِ ﷺ بِالنَّاسِ فَأَطَالَ الْقِرَاءَةَ ثُمَّ رَكَعَ فَأَطَالَ الرُّكُوعَ، ثُمَّ رَفَعَ رَأْسَهُ فَأَطَالَ الْقِرَاءَةَ، وَهِيَ دُونَ الْأُولَى، ثُمَّ رَكَعَ فَأَطَالَ الرُّكُوعَ، وَهُوَ دُونَ الْأَوَّلِ، ثُمَّ رَفَعَ رَأْسَهُ فَسَجَدَ ثُمَّ فَعَلَ [مِثْلَ] ذَلِكَ فِي الرُّكْعَةِ الثَّانِيَةِ.

قَالَ أَبُو عِيسَى: [و] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَبِهَذَا الْحَدِيثِ يَقُولُ الشَّافِعِيُّ وَأَحْمَدُ

Ash-Shāfi'ī said: "He recites *Umm Al-Qur'ān (Al-Fātiḥah)* in the first *Rak'ah* and something the length of *Sūrat Al-Baqarah* silently if it is during the day. Then he bows a lengthy bowing about the length of his recitation. Then he raises his head with the *Takbīr* and stays standing as he is, and he recites *Umm Al-Qur'ān* again and something the length of *Āl Imrān*. Then he bows a lengthy bowing about the length of his recitation. Then he raises his head, then he says (*Sami' Allāhu liman ḥamidah*)' ('Allāh listens to those who praise Him) then he performs two complete prostrations, and he remains in each prostration for the length he remained bowing. Then he stands and recites *Umm Al-Qur'ān* and something the length of *Sūrat An-Nisā'*, then he bows a lengthy bowing about the length of his recitation. Then he raises his head with the *Takbīr* and remains standing. Then he recites the length of *Sūrat Al-Mā'idah*, then he bows a lengthy bowing about the length of his recitation. Then he raises, and he says (*Sami' Allāhu liman ḥamidah*).' ('Allāh listens to those who praise Him) Then he performs two prostrations, then he says the *Tashah-hud* and the *Taslīm*."

وَإِسْحَاقُ يَرُونَ صَلَاةَ الْكُسُوفِ أَرْبَعَ رَكَعَاتٍ فِي أَرْبَعِ سَجَدَاتٍ.

قَالَ الشَّافِعِيُّ: يَقْرَأُ فِي الرَّكْعَةِ الْأُولَى بِأَمِّ الْقُرْآنِ وَنَحْوًا مِنْ سُورَةِ الْبَقَرَةِ سِرًّا إِنْ كَانَ بِالنَّهَارِ، ثُمَّ رَكَعَ رُكُوعًا طَوِيلًا نَحْوًا مِنْ قِرَاءَتِهِ، ثُمَّ رَفَعَ رَأْسَهُ بِتَكْبِيرٍ وَثَبَّتَ قَائِمًا كَمَا هُوَ، وَقَرَأَ أَيْضًا بِأَمِّ الْقُرْآنِ وَنَحْوًا مِنْ آلِ عِمْرَانَ، ثُمَّ رَكَعَ رُكُوعًا طَوِيلًا نَحْوًا مِنْ قِرَاءَتِهِ ثُمَّ رَفَعَ رَأْسَهُ، ثُمَّ قَالَ: سَمِعَ اللَّهُ لِمَنْ حَمِدَهُ، ثُمَّ سَجَدَ سَجْدَتَيْنِ تَامَّتَيْنِ، وَبَقِيَ فِي كُلِّ سَجْدَةٍ نَحْوًا مِمَّا أَقَامَ فِي رُكُوعِهِ، ثُمَّ قَامَ فَقَرَأَ بِأَمِّ الْقُرْآنِ وَنَحْوًا مِنْ سُورَةِ النَّسَاءِ، ثُمَّ رَكَعَ رُكُوعًا طَوِيلًا نَحْوًا مِنْ قِرَاءَتِهِ، ثُمَّ رَفَعَ رَأْسَهُ بِتَكْبِيرٍ وَثَبَّتَ قَائِمًا، ثُمَّ قَرَأَ نَحْوًا مِنْ سُورَةِ الْمَائِدَةِ، ثُمَّ رَكَعَ رُكُوعًا طَوِيلًا نَحْوًا مِنْ قِرَاءَتِهِ، ثُمَّ رَفَعَ فَقَالَ: سَمِعَ اللَّهُ لِمَنْ حَمِدَهُ، ثُمَّ سَجَدَ سَجْدَتَيْنِ، ثُمَّ تَشَهَّدَ وَسَلَّم.

تخريج: متفق عليه، وأخرجه البخاري، الكسوف، باب: لا تنكس الشمس لموت أحد ولا لحياته، ح: ١٠٥٨ من حديث معمر ومسلم، ح: ٣/٩٠١ من حديث الزهري به.

Comments:

Imām Nawawī said that according to Imām Shāfi'ī and Mālik, *Sūrat Al-Fātiḥah* is to be recited before each recitation and one should stand up from *Rukū'* saying '*Sami' Allāhu liman ḥamidah*' and should say the phrases following it.

Chapter 45. The Manner Of The Recitation For The Eclipse

562. Samurah bin Jundab narrated: “The Prophet ﷺ led us in prayer during an eclipse; we did not hear his voice.” (*Hasan*)

(He said:) There is a narration on this topic from ‘Āishah.

Abū ‘Eīsā said: The *Hadīth* of Samurah bin Jundab is a *Hasan Ṣaḥīḥ Gharīb Hadīth*.

Some of the people of knowledge followed this, and it is the view of Ash-Shāfi‘ī.

(المعجم ٤٥) - بَابُ: كَيْفَ الْقِرَاءَةُ فِي الْكُسُوفِ (التحفة ٢٨٠)

٥٦٢ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا سُفْيَانُ عَنْ الْأَسْوَدِ بْنِ قَيْسٍ، عَنْ ثَعْلَبَةَ بْنِ عِبَادٍ، عَنْ سَمُرَةَ بْنِ جُنْدَبٍ قَالَ: صَلَّى بِنَا النَّبِيِّ ﷺ فِي كُسُوفٍ لَا نَسْمَعُ لَهُ صَوْتًا.

[قَالَ:] وَفِي الْبَابِ عَنْ عَائِشَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ سَمُرَةَ بْنِ جُنْدَبٍ حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ. وَقدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ إِلَى هَذَا، وَهُوَ قَوْلُ الشَّافِعِيِّ.

تخریج: [حسن] وأخرجه ابن ماجه، إقامة الصلوات، باب ماجاء في صلاة الكسوف، ح: ١٢٦٤ من حديث وكيع به وصححه ابن خزيمة، ح: ١٣٩٧ وابن حبان، ح: ٥٩٧، ٥٩٨ والحاكم: ٣٢٩/١، ٣٣١ والذهبي وابن حجر العسقلاني وغيرهم، رواه زهير عن الأسود بن قيس به ولم أر لمضعفه حجة * وفي الباب عن عائشة [يأتي: ٥٦٣].

Comments:

In the opinion of Imām Abū Ḥanīfah, Mālik and Shāfi‘ī, the recitation for the prayer of solar eclipse is quiet and the recitation for the lunar eclipse is aloud. (*Al-Mughnī*: 3/324). Preferably, the recitation in both prayers is aloud.

563. ‘Āishah narrated: “The Prophet ﷺ prayed the eclipse prayer, and he recited aloud in it.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

Abū Ishāq Al-Fazārī narrated similarly from Sufyān bin Ḥusain.

Mālik (bin Anas), Aḥmad, and Ishāq held views according to this *Hadīth*.

٥٦٣ - حَدَّثَنَا أَبُو بَكْرِ مُحَمَّدُ بْنُ أَبَانَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ صَدَقَةَ عَنْ سُفْيَانَ بْنِ حُسَيْنٍ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ أَنَّ النَّبِيَّ ﷺ صَلَّى صَلَاةَ الْكُسُوفِ وَجَهَرَ بِالْقِرَاءَةِ فِيهَا.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَرَوَى أَبُو إِسْحَاقَ الْفَزَارِيُّ عَنْ سُفْيَانَ بْنِ حُسَيْنٍ نَحْوَهُ.

وَبِهَذَا الْحَدِيثِ يَقُولُ مَالِكٌ [بْنُ أَنَسٍ]
وَأَحْمَدُ وَإِسْحَاقُ.

تخریج: [صحیح] وأخرجه البخاري، الكسوف، باب الجهر بالقراءة في الكسوف،
ح: ١٠٦٥ ومسلم، ح: ٣/٩٠١ من حديث الزهري به.

Comments:

It is known from the *Hadīth* of Samurah and ‘Aishah that the Prophet ﷺ led the prayer of solar eclipse at various occasions, sometimes he recited aloud and sometimes quiet.

**Chapter 46. What Has Been
Related About *Ṣalāt Al-Khawf*
(The Fear Prayer)**

564. Sālim narrated from his father: “The Prophet ﷺ prayed *Ṣalāt Al-Khawf*, praying one *Rak’ah* with one of the two groups, while the other group was facing the enemy. (When the first group finished their first *Rak’ah* with him), they went and took the position (of the second group, facing the enemy). Then the second group came and he led them in another *Rak’ah*, then he said the *Taslīm* to them, while the group proceeded to complete their (second) *Rak’ah*. Thereafter, the first group stood up to finish their (second) *Rak’ah*.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Jābir, Ḥudhaifah, Zaid bin Thābit, Ibn ‘Abbās, Abū Hurairah, Ibn Mas‘ūd, Sahl bin Abī Ḥaṭmah, Abū ‘Ayyāsh Az-Zurqī – whose name is Zaid bin Ṣāmit – and Abū Bakrah.

Abū ‘Eīsā said: Mālik bin Anas followed the *Hadīth* of Sahl bin Abī Ḥaṭmah about *Ṣalāt Al-Khawf*, and it is the view of Ash-Shāfi‘ī.

(المعجم ٤٦) - بَابُ مَا جَاءَ فِي صَلَاةِ
الْخَوْفِ (التحفة ٢٨١)

٥٦٤ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنُ أَبِي الشَّوَارِبِ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ أَنَّ النَّبِيَّ ﷺ صَلَّى صَلَاةَ الْخَوْفِ بِأَحَدِي الطَّائِفَتَيْنِ رُكْعَةً وَالطَّائِفَةَ الْأُخْرَى مُوَاجِهَةً الْعَدُوِّ ثُمَّ انْصَرَفُوا فَقَامُوا فِي مَقَامِ أُولَئِكَ، وَجَاءَ أُولَئِكَ فَصَلَّى بِهِمْ رُكْعَةً أُخْرَى، ثُمَّ سَلَّمَ عَلَيْهِمْ فَقَامَ هَؤُلَاءِ فَقَضَوْا رُكْعَتَهُمْ، وَقَامَ هَؤُلَاءِ فَقَضَوْا رُكْعَتَهُمْ.

[قَالَ:] وَفِي الْبَابِ عَنْ جَابِرٍ وَحُذَيْفَةَ وَزَيْدِ بْنِ ثَابِتٍ وَابْنِ عَبَّاسٍ وَأَبِي هُرَيْرَةَ وَابْنِ مَسْعُودٍ وَسَهْلِ بْنِ أَبِي حَنْظَلَةَ وَأَبِي عِيَّاشٍ الزُّرْقِيِّ - وَاسْمُهُ زَيْدُ بْنُ صَامِتٍ، وَأَبِي بَكْرَةَ.

قَالَ أَبُو عِيسَى: وَقَدْ ذَهَبَ مَالِكُ بْنُ أَنَسٍ فِي صَلَاةِ الْخَوْفِ إِلَى حَدِيثِ سَهْلِ بْنِ أَبِي حَنْظَلَةَ وَهُوَ قَوْلُ الشَّافِعِيِّ.

وَقَالَ أَحْمَدُ: قَدْ رَوَى عَنِ النَّبِيِّ ﷺ

Aḥmad said: “*Ṣalāt Al-Khawf* has been reported from the Prophet ﷺ in different ways, and I do not know anything but authentic *Aḥādīth* about this topic.” And he preferred the *Ḥadīth* of Sahl bin Abī Ḥathmah.

A similar view was expressed by Ishāq bin Ibrāhīm: “The narrations from the Prophet ﷺ about *Ṣalāt Al-Khawf* are confirmed.” He saw that all that was reported from the Prophet ﷺ about *Ṣalāt Al-Khawf* then it is allowed depending upon the degree of the fear.

Ishāq said: “We do not prefer the *Ḥadīth* of Sahl bin Abī Ḥathmah over the other narrations.”

The *Ḥadīth* of Ibn ‘Umar is a *Ḥasan Ṣaḥīḥ Ḥadīth*, it has been reported similarly by Mūsā bin ‘Uqbah from Nāfi‘, from Ibn ‘Umar, from the Prophet ﷺ.

صَلَاةُ الْخَوْفِ عَلَى أَوْجِهِ، وَمَا أَعْلَمُ فِي هَذَا
الْبَابِ إِلَّا حَدِيثًا صَحِيحًا، وَأَخْتَارُ حَدِيثَ
سَهْلِ بْنِ أَبِي حَثْمَةَ.

وَهَكَذَا قَالَ إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ:
تَبَيَّنَتِ الرِّوَايَاتُ عَنِ النَّبِيِّ ﷺ فِي صَلَاةِ
الْخَوْفِ، وَرَأَى أَنَّ كُلَّ مَا رُوِيَ عَنِ النَّبِيِّ
ﷺ فِي صَلَاةِ الْخَوْفِ فَهُوَ جَائِزٌ وَهَذَا عَلَى
قَدْرِ الْخَوْفِ.

قَالَ إِسْحَاقُ: وَلَسْنَا نَخْتَارُ حَدِيثَ سَهْلِ
ابْنِ أَبِي حَثْمَةَ عَلَى غَيْرِهِ مِنَ الرِّوَايَاتِ.
وَحَدِيثُ ابْنِ عُمَرَ حَدِيثٌ حَسَنٌ صَحِيحٌ،
وَقَدْ رَوَاهُ مُوسَى بْنُ عُقْبَةَ، عَنْ نَافِعٍ، عَنِ
ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ نَحْوَهُ.

تخريج: متفق عليه، وأخرجه البخاري، المغازي، باب غزوة ذات الرقاع، ح: ٤١٣٣ من حديث يزيد بن زريع ومسلم، ح: ٨٣٩ من حديث معمر بن راشد به * وفي الباب عن جابر [مسلم، ح: ٨٤٠ وله طرق] وحذيفة [أبو داود، ح: ١٢٤٦] وزيد بن ثابت [النسائي، ح: ١٥٣٢] وصححه ابن خزيمة: ٢/٢٩٤، ح: ١٣٤٥ وابن حبان، ح: ٥٩٠ وابن عباس [البخاري، ح: ٩٤٤ وله طرق] وأبي هريرة [أبو داود، ح: ١٢٤٠] وابن مسعود [أبو داود، ح: ١٢٤٤، ١٢٤٥] وسهل ابن أبي حثمة [البخاري، ح: ٤١٣١ ومسلم، ح: ٨٤١] وأبي عياش الزرقى [أبو داود، ح: ١٢٣٦] وأبي بكرة [أبو داود، ح: ١٢٤٨].

Comments:

Hāfiẓ Ibn Hajar said: Our Shaikh Abul-Faḍl ‘Allamah Ḥusain ‘Irāqī quoted seventeen forms of the Prayer of Fear, in *Sharḥ At-Tirmidhī*, which may be added to each other. Hāfiẓ Ibn Al-Qayyim principally mentioned six forms, in *Zād Al-Ma‘ād*. However, any form mentioned in the *Ḥadīth* may be practised.

565. Sahl bin Abī Ḥathmah said about *Ṣalāt Al-Khawf*: “The *Imām* stands facing the *Qiblah* while a group of them stand with him, and a group is before the enemy, facing

٥٦٥ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا
يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ: حَدَّثَنَا يَحْيَى بْنُ
سَعِيدٍ الْأَنْصَارِيُّ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ

the enemy. He leads them in a *Rak'ah*, and they perform a bowing by themselves, and they perform two prostrations in their places. Then they go to take the position of the others and the others come (for prayers). He (the *Imām*) bows for one *Rak'ah* with them and performs two prostrations with them. That is two for him and one for them, then they perform one bowing and two prostrations.” (*Ṣaḥīḥ*)

صَالِحِ بْنِ خَوَاتِ بْنِ جُبَيْرٍ، عَنْ سَهْلِ بْنِ أَبِي حَثْمَةَ أَنَّهُ قَالَ فِي صَلَاةِ الْخَوْفِ، قَالَ: يَقُومُ الْإِمَامُ مُسْتَقْبِلَ الْقِبْلَةِ وَيَقُومُ طَائِفَةٌ مِنْهُمْ مَعَهُ، وَطَائِفَةٌ مِنْ قِبَلِ الْعَدُوِّ وَجُوهُهُمْ إِلَى الْعَدُوِّ، فَيَرْكَعُ بِهِمْ رَكْعَةً، وَيَرْكَعُونَ لَأَنْفُسِهِمْ رَكْعَةً، وَيَسْجُدُونَ لَأَنْفُسِهِمْ سَجْدَتَيْنِ فِي مَكَانِهِمْ، ثُمَّ يَذْهَبُونَ إِلَى مَقَامِ أُولَئِكَ وَيَجِيءُ أُولَئِكَ فَيَرْكَعُ بِهِمْ رَكْعَةً وَيَسْجُدُ بِهِمْ سَجْدَتَيْنِ فَهِيَ لَهُ ثِنْتَانِ وَلَهُمْ وَاحِدَةٌ ثُمَّ يَرْكَعُونَ رَكْعَةً وَيَسْجُدُونَ سَجْدَتَيْنِ.

تخریج: متفق عليه، وأخرجه البخاري، المغازي، باب غزوة ذات الرقاع، ح: ٤١٣١ من حديث يحيى القطان ومسلم، ح: ٨٤١ من حديث القاسم بن محمد به.

566. (Abū ‘Eisā said:) Muḥammad bin Bash-shār said: “I asked Yahya bin Sa‘eed (narrators in no. 565) about this *Ḥadīth*. So he narrated it to me from Shu‘bah, from ‘Abdur-Raḥmān bin Al-Qāsim, from his father, from Ṣāliḥ bin Khawwāt, from Sahl bin Abī Ḥathmah, from the Prophet ﷺ – the same as the *Ḥadīth* of Yahya bin Sa‘eed Al-Anṣārī. And he (Yahya) said to me: ‘Write it next to it. He did not memorize the *Ḥadīth* better though, rather it is the same *Ḥadīth* as that of Yahya bin Sa‘eed Al-Anṣārī.’” (a *Ḥadīth* similar to no. 565, with a different chain of narrators) (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*, Yahya bin Sa‘eed Al-Anṣārī did not narrate it from Al-Qāsim bin Muḥammad in *Marfū‘* form, similarly the companions of

٥٦٦ - [قَالَ أَبُو عِيسَى:] قَالَ مُحَمَّدُ بْنُ بَشَّارٍ: سَأَلْتُ يَحْيَى بْنَ سَعِيدٍ عَنْ هَذَا الْحَدِيثِ فَحَدَّثَنِي، عَنْ شُعْبَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ صَالِحِ بْنِ خَوَاتِ، عَنْ سَهْلِ بْنِ أَبِي حَثْمَةَ عَنِ النَّبِيِّ ﷺ بِمِثْلِ حَدِيثِ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ وَقَالَ لِي [يَحْيَى]: اكْتُبْهُ إِلَى جَنْبِهِ، وَلَسْتُ أَحْفَظُ الْحَدِيثَ وَلَكِنَّهُ مِثْلُ حَدِيثِ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ.

قَالَ أَبُو عِيسَى: وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ لَمْ يَرْفَعْهُ يَحْيَى بْنُ سَعِيدٍ الْأَنْصَارِيُّ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، وَهَكَذَا رَوَاهُ أَصْحَابُ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ مَوْقُوفًا، وَرَفَعَهُ شُعْبَةُ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ بْنِ مُحَمَّدٍ.

Yahya bin Sa'eed Al-Anṣarī reported it as *Mawqūf*. It is Shu'bah who narrated it in *Marfū'* form from 'Abdur-Raḥmān bin Al-Qāsim bin Muḥammad.

تخریج: متفق عليه، وأخرجه البخاري من حديث القطان ومسلم من حديث شعبة به وانظر الحديث السابق.

567. It was reported by Mālik from Yazīd bin Rūmān, from Ṣāliḥ bin Khawwāt, from someone who prayed *Ṣalāt Al-Khawf* with the Prophet ﷺ, and he mentioned a similar narration. (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* is *Hasan Ṣaḥīḥ*.

This is the view of Mālik, Ash-Shāfi'ī, Aḥmad, and Ishāq.

It has been reported by more than one, that the Prophet ﷺ would lead the two groups with one in one *Rak'ah* and one in another *Rak'ah*, so that would be two *Rak'ah* for the Prophet ﷺ and one and one for each of them.

(Abū 'Eisā said: Abū 'Ayyāsh Az-Zurqī's name is Zaid bin Ṣāmit.)

تخریج: متفق عليه، وأخرجه البخاري، ح: ٤١٢٩ ومسلم، ح: ٨٤٢ من حديث مالك به وهو في الموطأ: ١٨٣/١.

Chapter 47. What Has Been Related About Locations In The Qur'an Where One Is To Prostrate

568. Abū Ad-Dardā' narrated: "I performed eleven prostrations (of recitation) with the Messenger of Allāh ﷺ, among them was that which is in *Sūrat An-Najm*." (*Ḍa'if*)

٥٦٧ - وَرَوَى مَالِكُ بْنُ أَنَسٍ عَنْ يَزِيدَ بْنِ رُومَانَ، عَنْ صَالِحِ بْنِ خَوَّاتٍ عَمَّنْ صَلَّى مَعَ النَّبِيِّ ﷺ صَلَاةَ الْخَوْفِ فَذَكَرَ نَحْوَهُ. قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَبِهِ يَقُولُ مَالِكٌ وَالشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ.

وَرَوَى عَنْ غَيْرِ وَاحِدٍ أَنَّ النَّبِيَّ ﷺ صَلَّى بِأَحَدِي الطَّائِفَتَيْنِ رُكْعَةً رُكْعَةً فَكَانَتْ لِلنَّبِيِّ ﷺ رُكْعَتَانِ وَلَهُمْ رُكْعَةُ رُكْعَةً.

[قَالَ أَبُو عِيسَى: أَبُو عِيَّاشٍ الزُّرْقِيُّ اسْمُهُ: زَيْدُ بْنُ صَامِتٍ].

(المعجم ٤٧) - بَابُ مَا جَاءَ فِي سُجُودِ الْقُرْآنِ (التحفة ٢٨٢)

٥٦٨ - حَدَّثَنَا سُفْيَانُ بْنُ وَكِيعٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ عَنْ عَمْرِو بْنِ الْحَارِثِ، عَنْ سَعِيدِ بْنِ أَبِي هِلَالٍ، عَنْ عُمَرَ الدَّمَشْقِيِّ، عَنْ أُمِّ الدَّرْدَاءِ، عَنْ أَبِي الدَّرْدَاءِ

(He said:) There are narrations on this topic from ‘Alī, Ibn ‘Abbās, Abū Hurairah, Ibn Mas‘ūd, Zaid bin Thābit, and ‘Amr bin Al-‘Āṣ.

Abū ‘Eīsā said: The *Hadīth* of Abū Ad-Dardā’ is a *Gharib Hadīth*, we do not know of it except as a narration of Sa‘eed bin Abī Hilāl from ‘Umar Ad-Dimashqī.

قَالَ: سَجَدْتُ مَعَ رَسُولِ اللَّهِ ﷺ إِحْدَى عَشْرَةَ سَجْدَةً مِنْهَا الَّتِي فِي النَّجْمِ.

[قَالَ:] وَفِي الْبَابِ عَنْ عَلِيٍّ وَابْنِ عَبَّاسٍ وَأَبِي هُرَيْرَةَ وَابْنِ مَسْعُودٍ وَزَيْدِ بْنِ ثَابِتٍ وَعُمَرُو بْنُ الْعَاصِ.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي الدَّرْدَاءِ حَدِيثٌ غَرِيبٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ سَعِيدِ ابْنِ أَبِي هِلَالٍ عَنْ عُمَرَ الدَّمَشَقِيِّ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، إقامة الصلوات، باب عدد سجود القرآن، ح: ١٠٥٥ من حديث عبدالله بن وهب به * عمر بن حيان الدمشقي مجهول (تقريب) وبينه وبين أم الدرداء رجل مجهول، انظر الحديث الآتي * وفي الباب عن علي [البيهقي: ٣١٥/٢ موقوف] وابن عباس [البخاري، ح: ١٠٦٩] وأبي هريرة [البخاري، ح: ١٠٦٨] ومسلم، ح: ٨٨٠ [وابن مسعود [البخاري، ح: ١٠٦٧] ومسلم، ح: ٥٧٦] وزيد بن ثابت [البخاري، ح: ١٠٧٢] ومسلم، ح: ٥٧٧ [وعمر بن العاص [أبو داود، ح: ١٤٠١].

569. (Another chain in which) Abū Ad-Dardā’ narrated: “I performed eleven prostrations with the Messenger of Allāh ﷺ, among them was that which is in *Sūrat An-Najm*.” (*Da‘if*)

And this is more correct than the (previous) narration of Sufyān bin Wakī’ from ‘Abdullāh bin Wāhb.

٥٦٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ صَالِحٍ: حَدَّثَنَا اللَّيْثُ بْنُ سَعْدٍ عَنْ خَالِدِ بْنِ يَزِيدَ، عَنْ سَعِيدِ بْنِ أَبِي هِلَالٍ، عَنْ عُمَرَ، وَهُوَ ابْنُ حَيَّانَ الدَّمَشَقِيِّ قَالَ: سَمِعْتُ مُخْبِرًا يُخْبِرُنِي، عَنْ أُمِّ الدَّرْدَاءِ، عَنْ أَبِي الدَّرْدَاءِ قَالَ: سَجَدْتُ مَعَ رَسُولِ اللَّهِ ﷺ إِحْدَى عَشْرَةَ سَجْدَةً مِنْهَا الَّتِي فِي النَّجْمِ. وَهَذَا أَصَحُّ مِنْ حَدِيثِ سُفْيَانَ بْنِ وَكَيْعٍ عَنْ عَبْدِ اللَّهِ بْنِ وَهْبٍ.

تخريج: [إسناده ضعيف] انظر الحديث السابق.

Comments:

The true opinion is that the number of prostrations in the Noble Qur’ān is fifteen.

Chapter 48. (What Has Been Related) About Women Going Out To The *Masājid*

570. Mujāhid narrated: “We were with Ibn ‘Umar, and he said: ‘The Messenger of Allāh ﷺ said: “Permit the women to go at night to the *Masājid*.” His son said: ‘By Allāh! We would not permit them lest they become insidious from that.’ So, he (‘Abdullāh) retorted: ‘May Allāh do and such with you.’ I say: “The Messenger of Allāh ﷺ said,” and you say: “We do not permit them?”” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Abū Hurairah, Zainab the wife of ‘Abdullāh bin Mas‘ūd, and Zaid bin Khālīd.

Abū ‘Eīsā said: The *Ḥadīth* of Ibn ‘Umar is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

تخريج: متفق عليه، وأخرجه مسلم، الصلاة، باب خروج النساء إلى المساجد إذا لم يترتب عليه فتنة... إلخ، ح: ٤٤٢ من حديث عيسى بن يونس والبخاري، ح: ٨٩٩ من حديث مجاهد به * وفي الباب عن أبي هريرة [أبو داود، ح: ٥٦٥] وزينب امرأة عبد الله بن مسعود [مسلم، ح: ٤٤٣] وزيد بن خالد [أحمد: ١٩٢/٥، ١٩٣ وابن حبان، ح: ٣٢٦].

Comments:

This *Ḥadīth* proves that if the women are to go out of the house for a necessity, even if it is for worship or a lawful need or to attend the mosque for prayer, they should go out with the permission of the husband or the guardian, keeping strictly to other commands regarding their going out.

Chapter 49. (What Has Been Related) About It Being Disliked To Spit In The *Masjid*

571. Tāriq bin ‘Abdullāh Al-Muḥārībī narrated that the Messenger of Allāh ﷺ said: “When you are in *Ṣalāt* then do not spit on your right, but behind you or toward your left, or under your left foot.” (*Ṣaḥīḥ*)

(المعجم ٤٨) - بَابُ [مَا جَاءَ] فِي خُرُوجِ
النِّسَاءِ إِلَى الْمَسَاجِدِ (التحفة ٢٨٣)

٥٧٠ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ: حَدَّثَنَا
عِيسَى بْنُ يُونُسَ عَنِ الْأَعْمَشِ، عَنْ مُجَاهِدٍ
قَالَ: كُنَّا عِنْدَ ابْنِ عُمَرَ فَقَالَ: قَالَ رَسُولُ اللَّهِ
ﷺ: «(اُذْنُوا لِلنِّسَاءِ بِاللَّيْلِ إِلَى الْمَسَاجِدِ)
فَقَالَ ابْنُهُ: وَاللَّهِ لَا نَأْذُنُ لَهُنَّ يَتَّخِذْنَهُ دَعَا،
فَقَالَ: فَعَلَ اللَّهُ بِكَ وَفَعَلَ، أَقُولُ: قَالَ
رَسُولُ اللَّهِ ﷺ وَتَقُولُ: لَا نَأْذُنُ [لَهُنَّ]؟.

[قَالَ:] وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ وَزَيْنَبِ
امْرَأَةِ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ وَزَيْدِ بْنِ خَالِدٍ.
قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عُمَرَ حَدِيثٌ
حَسَنٌ صَحِيحٌ.

(المعجم ٤٩) - بَابُ [مَا جَاءَ] فِي
كَرَاهِيَةِ الْبُرَاقِ فِي الْمَسْجِدِ (التحفة ٢٨٤)

٥٧١ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا
يَعْقَبُ بْنُ سَعِيدٍ عَنْ سُفْيَانَ، عَنْ مَنصُورٍ، عَنْ
رَبِيعِ بْنِ جَرَّاشٍ، عَنْ طَارِقِ بْنِ عَبْدِ اللَّهِ
الْمُحَارِبِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا

(He said:) There are narrations on this topic from Abū Sa'eed, Ibn 'Umar, Anas, and Abū Hurairah.

Abū 'Eisā said: the *Ḥadīth* of Ṭāriq is a *Ḥasan Ṣaḥīḥ Ḥadīth*, and it is acted upon according to the people of knowledge.

(He said:) I heard Al-Jārūd saying: "I heard Wakī' saying: 'Rib'ī bin Ḥirāsh did not lie even once since he accepted Islām.'"

(He said:) 'Abdur-Raḥmān bin Mahdī said: "The most dependable of the people of Al-Kufah is Maṣṣūr bin Al-Mu'tamir."

كُنْتُ فِي الصَّلَاةِ فَلَا تَبْزُقُ عَنْ يَمِينِكَ، وَلَكِنْ خَلْفَكَ أَوْ تَلْقَاءَ شِمَالِكَ، أَوْ تَحْتَ قَدَمِكَ الْيُسْرَى.

[قَالَ:] وَفِي الْبَابِ عَنْ أَبِي سَعِيدٍ وَابْنِ عُمَرَ وَأَنْسٍ وَأَبِي هُرَيْرَةَ.

قَالَ أَبُو عِيسَى: وَحَدِيثُ طَارِقٍ حَدِيثٌ حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ.

[قَالَ:] وَسَمِعْتُ الْجَارُودَ يَقُولُ: سَمِعْتُ وَكِيعًا يَقُولُ: لَمْ يَكْذِبْ رَبِيعِيُّ بْنُ جَرَّاشٍ فِي الْإِسْلَامِ كَذِبَةً.

[قَالَ:] وَقَالَ عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: أَثْبَتُ أَهْلَ الْكُوفَةِ مَنْصُورُ بْنُ الْمُعْتَمِرِ.

تخریج: [إسناده صحيح] وأخرجه النسائي: ٥٢/٢، ح: ٧٢٧ (المساجد، باب الرخصة للمصلي أن يصفق خلفه أو تلقاء شماله) من حديث يحيى القطان به وسفيان الثوري صرح بالسمع وصححه ابن خزيمة، ح: ٨٧٦ * وفي الباب عن أبي سعيد [البخاري، ح: ٤٠٨ ومسلم، ح: ٥٤٨] وابن عمر [البخاري، ح: ٤٠٦ ومسلم، ح: ٥٤٧ وأنس [يأتي: ٥٧٢] وأبي هريرة [البخاري، ح: ٤٠٨، ٤٠٩ ومسلم، ح: ٥٥٠] * قول وكيع في ربيعي: إسناده صحيح.

Comments:

It is proven from this *Ḥadīth* that in casual and crucial circumstance a person offering prayer may spit in the mosque, but not in normal circumstance. He should not spit in the front while in a state of prayer, because the *Qiblah* is in the front and this is against the sanctity and honor of the *Qiblah*.

572. Anas bin Mālik narrated that the Messenger of Allāh ﷺ said: "To spit in the *Masjid* is a sin, and burying it is its atonement." (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

٥٧٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ قَتَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْبَزَاقُ فِي الْمَسْجِدِ خَطِيئَةٌ وَكَفَّارَتُهَا دَفْنُهَا».

قَالَ أَبُو عِيسَى: [و] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه مسلم، المساجد، باب النهي عن البصاق في المسجد ... إلخ، ح: ٥٥٢ عن قتيبة والبخاري، ح: ٤١٥ من حديث قتادة به.

Comments:

In the view of Imām Nawawī, spitting in the mosque is a mistake, even though one does so with the intention of burying it; but if it has happened then the expiation is to bury it.

Chapter 50. What Has Been Related About The Prostration (Of Recitation) In: When The Heaven Is Split Asunder^[1] And: Read! In The Name Of Your Lord Who Has Created.^[2]

(المعجم ٥٠) - بَابُ [مَا جَاءَ] فِي

السَّجْدَةِ (التحفة ٢٨٥)

فِي ﴿إِذَا السَّمَاءُ انشَقَّتْ﴾ و ﴿اقْرَأْ بِأَسْمِ رَبِّكَ الَّذِي خَلَقَ﴾.

573. Abū Hurairah narrated: "We prostrated with the Messenger of Allāh ﷺ in: 'Read! In the Name of your Lord' and 'When the heaven is split asunder.'" (*Ṣaḥīḥ*)

٥٧٣ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ أَيُّوبَ بْنِ مُوسَى، عَنْ عَطَاءِ بْنِ مِينَاءَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: سَجَدْنَا مَعَ رَسُولِ اللَّهِ ﷺ فِي ﴿اقْرَأْ بِأَسْمِ رَبِّكَ﴾ وَ ﴿إِذَا السَّمَاءُ انشَقَّتْ﴾.

تخریج: متفق عليه، وأخرجه مسلم، المساجد، باب سجود التلاوة، ح: ١٠٨/٥٧٨ من حديث سفیان بن عیینة به ورواه البخاري، ح: ٧٦٦ من حديث أبي هريرة به.

574. (Another chain in which) Abū Hurairah narrated from the Prophet ﷺ similarly. (*Ṣaḥīḥ*)

In the narration of this *Ḥadīth* there are four of the *Tābi'īn*, one reporting from the other. Abū 'Eisā said: The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Ḥadīth*, and it is acted upon according to most of the people of knowledge, they hold the view that there are prostrations in 'When the heaven is split asunder' and 'Read! In the Name of your Lord.'

٥٧٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا سُفْيَانُ [بْنُ عُيَيْنَةَ] عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي بَكْرٍ بْنِ مُحَمَّدٍ [هُوَ] ابْنُ عَمْرِو بْنِ حَزْمٍ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، عَنْ أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ مِثْلَهُ.

وَفِي [هَذَا] الْحَدِيثِ أَرْبَعَةٌ مِنَ التَّابِعِينَ بَعْضُهُمْ، عَنْ بَعْضٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ يَرَوْنَ السُّجُودَ فِي ﴿إِذَا السَّمَاءُ انشَقَّتْ﴾ وَ ﴿اقْرَأْ بِأَسْمِ رَبِّكَ﴾.

[1] *Al-Inshiqāq* 84.

[2] *Al-'Alaḥ* 96.

تخريج: [إسناده صحيح] وأخرجه النسائي: ١٦١/٢، ح: ٩٦٥ (الافتتاح، باب السجود في "إذا السماء انشقت") عن قتيبة به وسفيان بن عيينة صرح بالسماع عند الحميدي، ح: ٩٩٨ وهو في مسند عمر بن عبدالعزيز للباغندي، ح: ٣١.

Comments:

This *Hadīth* rejects the view of Imām Mālik, according to him there is no rcital prostration in the *Mufaṣṣal Sūrah* (from *Sūrat Qāf* until the end of the Qur'ān)

Chapter 51. What Has Been Related About The Prostration In (*Sūrat*) *An-Najm*

(المعجم ٥١) - بَابُ مَا جَاءَ فِي السَّجْدَةِ فِي النَّجْمِ (التحفة ٢٨٦)

575. Ibn 'Abbās narrated: "The Messenger of Allāh ﷺ prostrated for it - meaning (in *Sūrat*) *An-Najm* - and so did the Muslims, the idolaters, the Jinns, and the people." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ibn Mas'ūd, and Abū Hurairah.

Abū 'Eīsā said: The *Hadīth* of Ibn 'Abbās is a *Ḥasan Ṣaḥīḥ Hadīth*. This is acted upon according to some of the people of knowledge. They held the view that there is a prostration in *Sūrat An-Najm*.

Some of the people of knowledge among the Companions of the Prophet ﷺ and others said that there is no prostration in the *Mufaṣṣal* (section). This is the view of Mālik bin Anas. But the first view is more correct, and it is the view of Sufyān Ath-Thawrī, Ibn Al-Mubārak, Ash-Shāfi'ī, Aḥmad, and Ishāq.

تخريج: [صحيح] وأخرجه البخاري، سجود القرآن، باب سجود المسلمين مع المشركين ... إلخ، ح: ١٠٧١ من حديث عبدالوارث بن سعيد به * وفي الباب عن ابن مسعود [البخاري، ح: ١٠٦٧ ومسلم، ح: ٥٧٦] وأبي هريرة [أحمد: ٣٠٤/٢، ٤٤٣].

٥٧٥ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ الْبَزَارِيُّ [الْبُغْدَادِيُّ]: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ: حَدَّثَنَا أَبِي عَنْ أَبِي يُونُسَ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: سَجَدَ رَسُولُ اللَّهِ ﷺ فِيهَا يَعْنِي النَّجْمَ وَالْمُسْلِمُونَ وَالْمُشْرِكُونَ وَالْجِنُّ وَالْإِنْسُ.

[قَالَ:] وفي الباب عن ابن مسعود وأبي هريرة.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ يَرْوَنَ السُّجُودَ فِي سُورَةِ النَّجْمِ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: لَيْسَ فِي الْمُفَصَّلِ سَجْدَةٌ، وَهُوَ قَوْلُ مَالِكِ بْنِ أَنَسٍ، وَالْقَوْلُ الْأَوَّلُ أَصَحُّ، وَبِهِ يَقُولُ الثَّوْرِيُّ وَابْنُ الْمُبَارَكِ وَالشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ.

Comments:

As the Prophet recited *Sūrat An-Najm* all those who were present became fascinated by the grandeur and dignity of the Verses, and they could not help but fall into prostration except one wretched person.

Chapter 52. What Has Been Related About The One Who Did Not Prostrate For It

(المعجم ٥٢) - بَابُ مَا جَاءَ مَنْ لَمْ
يَسْجُدْ فِيهِ (التحفة ٢٨٧)

576. Zaid bin Thābit narrated: "I recited *Sūrat An-Najm* to the Messenger of Allāh ﷺ, and he did not prostrate for it." (*Ṣaḥīḥ*)

Abū 'Eīsā said: The *Ḥadīth* of Zaid bin Thābit is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

Some of the people of knowledge gave this *Ḥadīth* some interpretation, saying that the Prophet ﷺ did not prostrate, only because Zaid bin Thābit (who recited it) did not prostrate when he was reciting it.

And they say that the prostration is obligatory on anyone who hears it, and they were not given any exception (by the Prophet ﷺ) not to prostrate.

And they say that if a man hears it and he does not have *Wuḍū'*, then he prostrates when he has *Wuḍū'*. This is the view of Sufyān (Ath-Thawrī) and the people of Al-Kūfah, and it was the saying of Ishāq.

Some of the people of knowledge say that the prostration is only for the one who wants to prostrate for it and to obtain its reward, and they are permitted to not to do so if they do not want to. They argue using the *Marfū' Ḥadīth* of Zaid bin Thābit who said: "I recited (*Sūrat*) *An-Najm*

٥٧٦ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى: حَدَّثَنَا
وَكَيْعٌ عَنِ ابْنِ أَبِي ذُئْبٍ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ
ابْنِ قُسَيْطٍ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ زَيْدِ بْنِ
ثَابِتٍ قَالَ: قَرَأْتُ عَلَى رَسُولِ اللَّهِ ﷺ النِّجْمَ
فَلَمْ يَسْجُدْ فِيهَا.

قَالَ أَبُو عِيْسَى: حَدِيثُ زَيْدِ بْنِ ثَابِتٍ
حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَتَأَوَّلَ بَعْضُ أَهْلِ الْعِلْمِ هَذَا الْحَدِيثَ
فَقَالَ: إِنَّمَا تَرَكَ النَّبِيُّ ﷺ السُّجُودَ لِأَنَّ زَيْدَ
ابْنَ ثَابِتٍ حِينَ قَرَأَ فَلَمْ يَسْجُدْ لَمْ يَسْجُدِ النَّبِيُّ
ﷺ.

وَقَالُوا: السَّجْدَةُ وَاجِبَةٌ عَلَى مَنْ سَمِعَهَا
وَلَمْ يَرْخُصُوا فِي تَرْكِهَا.

وَقَالُوا: إِنْ سَمِعَ الرَّجُلُ وَهُوَ عَلَى غَيْرِ
وُضُوءٍ فَإِذَا تَوَضَّأَ سَجَدَ، وَهُوَ قَوْلُ سُفْيَانَ
[الثَّوْرِيِّ] وَأَهْلِ الْكُوفَةِ، وَبِهِ يَقُولُ إِسْحَاقُ.

وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: إِنَّمَا السَّجْدَةُ
عَلَى مَنْ أَرَادَ أَنْ يَسْجُدَ فِيهَا وَالتَّمَسَّ
فَضْلَهَا، وَرَخَّصُوا فِي تَرْكِهَا إِنْ أَرَادَ ذَلِكَ،
وَاحْتَجُّوا بِالْحَدِيثِ الْمَرْفُوعِ، حَدِيثُ زَيْدِ بْنِ
ثَابِتٍ [حَيْثُ] قَالَ: قَرَأْتُ عَلَى النَّبِيِّ ﷺ

to the Messenger of Allāh ﷺ, and he did not prostrate for it.” They said: If the prostration was obligatory then the Prophet ﷺ would not have left Zaid alone until he prostrated, and the Prophet ﷺ would have prostrated, too.

They also cited as proof the *Hadīth* of ‘Umar, that he recited an (*Āyah* of) prostration while on the *Minbar*, so he descended to prostrate. Then he recited it on the second Friday, so the people got up to prostrate and he said: “It has not been made obligatory for us, unless we want to do it” so he did not prostrate nor did they. Some of the people of knowledge followed this, and it is the view of *Ash-Shāfi‘ī* and *Aḥmad*.

تخريج: متفق عليه، وأخرجه البخاري، سجود القرآن، باب من قرأ السجدة ولم يسجد، ح: ١٠٧٣ من حديث محمد بن عبد الرحمن بن أبي ذئب ومسلم، ح: ٥٧٧ من حديث يزيد بن عبد الله بن قسيط به * حديث عمر، أخرجه البخاري، ح: ١٠٧٧.

Comments:

It is proven from the *Hadīth* of Zaid bin Thābit that the recital prostration is not compulsory for the reciter. Were it compulsory for the reciter then the Messenger of Allāh ﷺ would have commanded Zaid to prostrate (*Sujūd*). When the prostration is not compulsory for the reciter, how can it then be necessary for the listener! However it is desirable both for the reciter and the listener to prostrate when they come to any *Āyah* of prostration.

Chapter 53. What Has Been Related About The Prostration In (*Sūrat*) *Ṣād*

(المعجم ٥٣) - بَابُ مَا جَاءَ فِي

السَّجْدَةِ فِي صَ (التحفة ٢٨٨)

577. Ibn ‘Abbās narrated: “I saw the Messenger of Allāh ﷺ prostrating for (*Sūrat*) *Ṣād*.” Ibn ‘Abbās said: “It is not one of the resolute prostrations.”^[1] (*Ṣaḥīḥ*)

٥٧٧ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ عَنْ أَيُّوبَ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ يَسْجُدُ فِي صَ. قَالَ ابْنُ

[1] Its meaning is the same as what was reported from ‘Umar (in no. 566), may Allāh be pleased with him, before it.

Abū 'Eisā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

The people of knowledge among the Companions of the Prophet ﷺ and others differed over this. Some of the people of knowledge held the view that there was a prostration in it, this is the view of Sufyān (Ath-Thawrī), Ibn Al-Mubārak, Ash-Shāfi'ī, Aḥmad, and Ishāq. Some of them said that it is only about a Prophet repenting, and they did not see that there was a prostration in it.^[1]

عَبَّاسٍ: وَلَيْسَتْ مِنْ عَزَائِمِ السُّجُودِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.
وَاخْتَلَفَ أَهْلُ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ
وَعَوَّلَهُمْ فِي هَذَا، فَرَأَى بَعْضُ أَهْلِ الْعِلْمِ
أَنْ يَسْجُدَ فِيهَا. وَهُوَ قَوْلُ سُفْيَانَ [الثَّوْرِيِّ]
وَابْنِ الْمُبَارَكِ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ.
وَقَالَ بَعْضُهُمْ: إِنَّهَا تَوْبَةُ نَبِيِّ وَلَمْ يَرَوْا
السُّجُودَ فِيهَا.

تخريج: [إسناده صحيح] وأخرجه الحميدي، ح: ٤٧٧ عن سفيان بن عيينة والبخاري، ح: ١٠٦٩ من حديث أبيوب السخنياني به.

Comments:

The status of some *Sujūd* (prostrations) is stressed upon while the others are unstressed. But one should try one's best to make *Sujūd* at each place to achieve reward and righteousness following the footsteps of the Messenger ﷺ.

Chapter 54. (What Has Been Related) About The Prostration In (*Sūrat*) *Al-Ḥajj*

(المعجم ٥٤) - بَابُ [مَا جَاءَ فِي] السَّجْدَةِ فِي الْحَجِّ (التحفة ٢٨٩)

578. Ubqah bin 'Āmir narrated: "I said: 'O Messenger of Allāh! *Sūrat Al-Ḥajj* has been esteemed by two prostrations?' He said: 'Yes, and whoever does not prostrate for them, he should not recite them.'" (*Hasan*)

Abū 'Eisā said: The chain for this *Hadīth* is not strong.

The people of knowledge differ over this, it is reported that 'Umar bin Al-Khaṭṭāb and Ibn 'Umar said: "*Sūrat Al-Ḥajj* has been esteemed in that it has two prostrations." This is

٥٧٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا ابْنُ لَهْيَعَةَ عَنْ
مِشْرِحِ بْنِ هَاعَانَ، عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ:
قُلْتُ: يَا رَسُولَ اللَّهِ، فَضَّلْتَ سُورَةَ الْحَجِّ بِأَنْ
فِيهَا سَجْدَتَيْنِ؟ قَالَ: نَعَمْ، وَمَنْ لَمْ
يَسْجُدْهُمَا فَلَا يَقْرَأْهُمَا.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ لَيْسَ إِسْنَادُهُ
بِذَاكَ الْقَوِي.

وَاخْتَلَفَ أَهْلُ الْعِلْمِ فِي هَذَا، فَرَوَى عَنْ
عُمَرَ بْنِ الْخَطَّابِ وَابْنِ عُمَرَ أَنََّّهُمَا قَالَا:

^[1] Referring to Dāwūd, peace be upon him, see *Sūrat Ṣād* 38:24.

the view of Ibn Al-Mubārak, Ash-Shāfi'ī, Aḥmad, and Ishāq.

Some of them held the view that there is one prostration in it, this is the view of Sufyān Ath-Thawrī, Mālik, and the people of Al-Kūfah.

فُضِّلَتْ سُورَةُ الْحَجِّ بِأَنَّ فِيهَا سَجْدَتَيْنِ، وَبِهِ يَقُولُ ابْنُ الْمُبَارَكِ وَالشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ. وَرَأَى بَعْضُهُمْ فِيهَا سَجْدَةً وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَمَالِكٍ وَأَهْلِ الْكُوفَةِ.

تخریج: [إسناده حسن] وأخرجه أبو داود، سجود القرآن، باب تفریع أبواب السجود وكم سجدة في القرآن؟، ح: ١٤٠٢ من حديث ابن لهيعة به وصرح بالسماع في رواية ابن وهب عنه (الحاكم: ٣٩٠/٢) والحديث صححه ميرك كما في مرقاة القاري * مشرح حسن الحديث، على الراجح، وثقه الجمهور ولم يثبت نصب المجانيق عنه * وفي الباب عن عمر بن الخطاب [مالك في الموطأ: ٢٠٥/١، ٢٠٦ والبيهقي: ٣١٧/٢ وابن عمر [مالك: ٢٠٦/١ والبيهقي].

Comments:

This saying is reported on behalf of many noble Companions; they mean that as the recitation of these two Verses cannot be overlooked, the prostrations in them should also not be ignored.

Chapter 55. What Has Been Related About What Is Said During A Prostration For Recitation In The Qur'an

(المعجم ٥٥) - بَابُ مَا جَاءَ مَا يَقُولُ فِي سُجُودِ الْقُرْآنِ (التحفة ٢٩٠)

579. Al-Ḥasan bin Muḥammad bin 'Ubaidullāh bin Abī Yazīd said: Ibn Juraij said to me: O Ḥasan! 'Ubaidullāh bin Abī Yazīd informed me that Ibn 'Abbās said: "A man came to the Prophet ﷺ and said: 'O Messenger of Allāh! I had a dream at night while I was sleeping in which I was praying behind a tree, when I prostrated the tree prostrated along with me. Then I heard it saying: (Allāhum maktub lī bihā 'indaka ajran, wa ḍa' annī bihā wizran, wāj' alhā lī bihā 'indaka dhukhran, wa taqabbal hā minnī kamā taqabbalt hā min 'abdiki Dāwūd.)'" (O Allāh! Record for me, a reward with You for it, remove a sin from me by it, and store it away for me with You, and accept it from me as You

٥٧٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ بْنِ خُثَيْسٍ: حَدَّثَنَا الْحَسَنُ بْنُ مُحَمَّدٍ بْنِ عُبَيْدِ اللَّهِ بْنِ أَبِي يَزِيدَ قَالَ: قَالَ لِي ابْنُ جُرَيْجٍ: يَا حَسَنُ أَخْبَرَنِي عُبَيْدُ اللَّهِ بْنُ أَبِي يَزِيدَ عَنِ ابْنِ عَبَّاسٍ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ إِنِّي رَأَيْتُنِي اللَّيْلَةَ وَأَنَا نَائِمٌ كَأَنِّي أَصْلِي خَلْفَ شَجَرَةٍ فَسَجَدْتُ فَسَجَدَتِ الشَّجَرَةُ لِسُجُودِي، فَسَمِعْتُهَا وَهِيَ تَقُولُ: اللَّهُمَّ اكْتُبْ لِي بِهَا عِنْدَكَ أَجْرًا، وَضَعْ عَنِّي بِهَا وَزْرًا وَاجْعَلْهَا لِي عِنْدَكَ ذُخْرًا، وَتَقَبَّلْهَا مِنِّي كَمَا تَقَبَّلْتَهَا مِنْ عَبْدِكَ دَاوُدَ. قَالَ الْحَسَنُ: قَالَ لِي ابْنُ جُرَيْجٍ: قَالَ لِي جَدُّكَ: قَالَ ابْنُ عَبَّاسٍ: فَقَرَأَ

accepted it from Your worshipper Dāwūd). Al-Ḥasan said: "Ibn Juraij said to me: 'Your grandfather said to me: "Ibn 'Abbās said: 'So the Prophet ﷺ recited (an *Āyah* of) prostration then prostrated.'" (He said) "So Ibn 'Abbās said: 'I listened to him, and he was saying the same as the man informed that the tree had said.'" (*Ḥasan*)

(He said:) There are narrations on this topic from Abū Sa'eed.

Abū 'Eisā said: This *Ḥadīth* is (*Ḥasan*) *Gharīb* as a *Ḥadīth* of Ibn 'Abbās, we do not know of it except from this route.

النَّبِيِّ ﷺ سَجْدَةً ثُمَّ سَجَدَ. [قَالَ] فَقَالَ ابْنُ عَبَّاسٍ: فَسَمِعْتُهُ وَهُوَ يَقُولُ مِثْلَ مَا أَخْبَرَهُ الرَّجُلُ، عَنْ قَوْلِ الشَّجَرَةِ.

[قَالَ:] وَفِي الْبَابِ عَنْ أَبِي سَعِيدٍ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ [حَسَنٌ] غَرِيبٌ مِنْ حَدِيثِ ابْنِ عَبَّاسٍ لَا نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ.

تخريج: [إسناده حسن] وأخرجه الحاكم: ٢١٩/١، ٢٢٠ من حديث محمد بن يزيد به سيأتي: ٣٤٢٤ وصححه ابن خزيمة: ٢٨٢/١، ح: ٥٦٢ وابن حبان، ح: ٦٩١ والخليلي والحاكم ووافقه الذهبي * وفي الباب عن أبي سعيد الخدري [العله يشير إلى حديث أحمد: ٨٤/٣ وله لون آخر عند أبي يعلى، ح: ١٠٦٩ وغيره].

Comments:

The real supplication for the recital prostration is the one mentioned in this *Ḥadīth*. So the known supplication coming in the following *Ḥadīth* '*Sajada wajhiya...*' the Prophet used to read it in the recital prostration of the night prayer, as clearly mentioned in the *Ḥadīth* itself. This clear evidence also exists in the narration of *Ṣaḥīḥ Muslim*. (*Ṣaḥīḥ Muslim*, *Ḥadīth*: 771)

580. 'Āishah narrated: "When the Messenger of Allāh ﷺ would prostrate (for recitation of) the Qur'ān, he would say: (*Sajada wajhiya lilladhī khalaqahu wa shaqqa sam'ahu wa baṣarahu bihawlihi wa quwwatihi*.) (I have prostrated my face to the One Who created it, and made its hearing and vision, through His ability and power.)" (*Da'if*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

٥٨٠ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ: حَدَّثَنَا خَالِدُ الْحَدَّاءُ عَنْ أَبِي الْعَالِيَةِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَقُولُ فِي سُجُودِ الْقُرْآنِ بِاللَّيْلِ: «سَجَدَ وَجْهِي لِلَّذِي خَلَقَهُ وَشَقَّ سَمْعَهُ وَبَصَرَهُ بِحَوْلِهِ وَقُوَّتِهِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: [إسناده ضعيف] وأخرجه النسائي: ٢/٢٢٢، ح: ١١٣٠ (التطبيق، نوع آخر) عن محمد بن بشار به * خالد الحذاء لم يسمعه من أبي العالية قطعاً بدليل رواية أبي داود، ح: ١٤١٤ وله شاهد صحيح عند مسلم، ح: ٧٧١ في السجود مطلقاً وهو الصحيح.

Comments:

He who does not say the first supplication may say this one, but saying the first one is even better.

Chapter 56. What Has Been Related About One Who Missed His Section^[1] At Night, So He Makes it Up During the Day

581. ‘Umar bin Al-Khaṭṭāb narrated that the Messenger of Allāh ﷺ said: “Whoever slept, (missing) his section or some of it, then he recited it between the *Fajr* prayer and the *Zuhr* prayer, it is written for him as if he had recited it in the night.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

(He said:) Abū Ṣafwān’s name is ‘Abdullāh bin Sa‘eed Al-Makkī, and Al-Ḥumaidī and the important people report from him.

(المعجم ٥٦) - بَابُ مَا ذَكَرَ فِيمَنْ فَاتَهُ حِزْبُهُ مِنَ اللَّيْلِ فَقَضَاهُ بِالنَّهَارِ (التحفة ٢٩١)

٥٨١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو صَفْوَانَ عَنْ يُونُسَ [ابْنِ يَزِيدَ]، عَنْ ابْنِ شِهَابٍ [الزُّهْرِيِّ] أَنَّ السَّائِبَ بْنَ يَزِيدَ وَعُمَيْدُ اللَّهِ [بْنُ عُبَيْدَةَ بْنِ مَسْعُودٍ]: أَخْبَرَاهُ عَنْ عَبْدِ الرَّحْمَنِ ابْنِ عَبْدِ الْقَارِيِّ قَالَ: سَمِعْتُ عُمَرَ بْنَ الْخَطَّابِ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ نَامَ عَنْ حِزْبِهِ أَوْ عَنْ شَيْءٍ مِنْهُ فَقَرَأَهُ مَا بَيْنَ صَلَاةِ الْفَجْرِ وَصَلَاةِ الظُّهْرِ كُتِبَ لَهُ كَأَنَّمَا قَرَأَهُ مِنَ اللَّيْلِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، [قَالَ:] وَأَبُو صَفْوَانَ اسْمُهُ عَبْدُ اللَّهِ بْنُ سَعِيدٍ الْمَكِّيُّ وَرَوَى عَنْهُ الْحُمَيْدِيُّ وَكِبَارُ النَّاسِ.

تخريج: وأخرجه مسلم، صلاة المسافرين، باب جامع صلاة الليل ... إلخ، ح: ٧٤٧ من حديث يونس الأيلي به.

Comments:

Hizb means a special dedicated part of worship, which one reads or performs every night; it may be prayer, recitation of the Qur’ān, or remembrance and supplication.

^[1] That is the section of the Qur’ān that he normally recites, or the voluntary night prayer in which he recites that section. See *Tuhfat Al-Aḥwadhī*.

Chapter (...) . What Has Been Related About The Severe Warning Regarding The One Who Raises His Head Before The *Imām*

582. Abū Hurairah narrated: “Muḥammad ﷺ said: ‘Does not the one who raises his head before the *Imām* fear that Allāh will transform his head into a donkey’s head?’” (*Ṣaḥīḥ*)

Qutaibah said: “Ḥammād said: ‘Muḥammad bin Ziyād said to me: He (ﷺ) only said: Does he not fear.’”^[1]

Abū ‘Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*, and Muḥammad bin Ziyād is from Al-Baṣrah, and he is trustworthy, and his *Kunyah* is Abū Al-Ḥārith.

تخریج: متفق علیه، وأخرجه مسلم، الصلاة، باب تحريم سبق الإمام بركوع أو سجود ونحوهما، ح: ٤٢٧ من حديث حماد بن زيد والبخاري، ح: ٦٩١ من حديث محمد بن زيد به.

Comments:

Raising one’s head from *Rukū’* (bowing) or *Sujūd* (prostration) before the *Imām*, or to perform any other action before the *Imām* is an extremely unreasonable action and a matter of ignorance. Because thus a person can never be allowed to finish his prayer before the *Imām*, neither is it accepted; and also the real purpose of appointing an *Imām*, is to follow him and obey him.

Chapter 57. What Has Been Related About The One Who Prays The Obligatory Prayer, Then Leads The People In Prayer After That

583. Jābir bin ‘Abdullāh narrated: “Mu‘ādh bin Jabal would pray *Al-Maghrib* with the Messenger of

(المعجم ...) - بَابُ مَا جَاءَ مِنَ التَّشْدِيدِ فِي الَّذِي يَرْفَعُ رَأْسَهُ قَبْلَ الْإِمَامِ (التحفة ٢٩٢)

٥٨٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ مُحَمَّدِ بْنِ زِيَادٍ وَهُوَ أَبُو الْحَارِثِ الْبَصْرِيُّ ثِقَّةٌ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ مُحَمَّدٌ ﷺ: «أَمَّا يَخْشَى الَّذِي يَرْفَعُ رَأْسَهُ قَبْلَ الْإِمَامِ أَنْ يَحُولَ اللَّهُ رَأْسَهُ رَأْسَ حِمَارٍ».

قَالَ قُتَيْبَةُ: قَالَ حَمَّادٌ: قَالَ لِي مُحَمَّدُ بْنُ زِيَادٍ [و] إِنَّمَا قَالَ: «أَمَّا يَخْشَى».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، وَمُحَمَّدُ بْنُ زِيَادٍ هُوَ بَصْرِيُّ ثِقَّةٌ [و] يُكْنَى أَبُو الْحَارِثِ.

(المعجم ٥٧) - بَابُ مَا جَاءَ فِي الَّذِي يُصَلِّي الْفَرِيضَةَ ثُمَّ يَوْمُ النَّاسَ بَعْدَ ذَلِكَ (التحفة ٢٩٣)

٥٨٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ

^[1] These are some of the narrators in the chain, and it is a clarification of the correct wording in Arabic, see *Al-Bukhārī* no. 691.

Allāh ﷻ, then he would return to his people to lead them (in prayer).” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

This is acted upon according to our companions, Ash-Shāfi‘ī, Aḥmad, and Ishāq. They say when a man leads the people in an obligatory prayer while he has prayed it before that, then the prayer of those who prayed behind him is acceptable. They argue using the *Ḥadīth* of Jābir regarding the story of Mu‘ādh, and it is a *Ṣaḥīḥ Ḥadīth*, it has been reported through more than one route from Jābir.

It has been reported that Abū Ad-Dardā’ was asked about a man who entered the *Masjid* while the people were praying the *‘Aṣr* prayer, and he thought it was the *Zuhr* prayer, and joined them. He said that his prayer was acceptable.

There are those among the people of Al-Kūfah who said that when a people are lead by an *Imām* who is praying *‘Aṣr* while they think that it is *Zuhr* if he leads them and they follow him, then the prayer of the followers is invalid since the intention of the *Imām* differed with the intention of those being lead.

تخریج: [صحيح] وأخرجه مسلم، الصلاة، باب القراءة في العشاء، ح: ٤٦٥ من حديث حماد بن زيد به واختصره البخاري، ح: ٧٠٠ من حديث عمرو بن دينار به * أثر أبي الدرداء لم أجده.

Comments:

The scholars and the jurists hold different opinions concerning the diverse intentions of the *Imām* and the followers. Shafi‘ī said the diversity in intention will not affect the prayer unless the actions are diverse. Therefore a person offering obligatory prayer behind the one doing voluntary, the one offering

أَنَّ مُعَاذَ بْنَ جَبَلٍ كَانَ يُصَلِّي مَعَ رَسُولِ اللَّهِ ﷺ الْمَغْرِبَ ثُمَّ يَرْجِعُ إِلَى قَوْمِهِ فَيُؤْمُهُمْ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَصْحَابِنَا الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ. قَالُوا: إِذَا أَمَّ الرَّجُلُ الْقَوْمَ فِي الْمَكْتُوبَةِ وَقَدْ كَانَ صَلَاةً قَبْلَ ذَلِكَ أَنَّ صَلَاةَ مَنْ اتَّيَمَّ بِهِ جَائِزَةٌ وَاحْتَجُّوا بِحَدِيثِ جَابِرٍ فِي قِصَّةِ مُعَاذٍ. وَهُوَ حَدِيثٌ صَحِيحٌ، وَقَدْ رُوِيَ مِنْ غَيْرِ وَجْهِ، عَنْ جَابِرٍ.

وَرُوِيَ عَنْ أَبِي الدَّرْدَاءِ أَنَّهُ سُئِلَ عَنْ رَجُلٍ دَخَلَ الْمَسْجِدَ وَالْقَوْمُ فِي صَلَاةِ الْعَصْرِ وَهُوَ يَحْسِبُ أَنَّهَا صَلَاةُ الظُّهْرِ فَاتَّيَمَّ بِهِ. قَالَ: صَلَاتُهُ جَائِزَةٌ.

وَقَدْ قَالَ قَوْمٌ مِنْ أَهْلِ الْكُوفَةِ: إِذَا اتَّيَمَّ قَوْمٌ بِإِمَامٍ وَهُوَ يُصَلِّي الْعَصْرَ وَهُمْ يَحْسِبُونَ أَنَّهَا الظُّهْرَ فَصَلَّى بِهِمْ وَاقْتَدَوْا بِهِ، فَإِنَّ صَلَاةَ الْمُقْتَدِي فَاسِدَةٌ [إِذَا] اخْتَلَفَ نِيَّةُ الْإِمَامِ وَ[نِيَّةُ] الْمَأْمُومِ.

voluntary prayer behind the one who is offering obligatory, the *Imām* and the follower doing two different obligatory prayers, their prayers are all valid. Tawūs, ‘Aṭā, Awzā’ī, Aḥmad, Abū Thawr, Sulaimān bin Ḥarb, Dāwūd and Ibn Al-Mundhir hold the same opinion. Ibn Qudāmah said: Offering voluntary prayer behind a person offering obligatory prayer is unanimously agreed according to the Ḥanbalah. He even said: ‘As for our knowledge there is no disagreement among the people of knowledge concerning this issue’. [*Al-Mughnī*: 3/68]. The truth is that offering obligatory prayer behind the one offering voluntary is valid. Because it exists clearly in *Muslim, Ḥadīth*: 465 that *Mu‘ādh* would ‘lead the same prayer for his people’ which he *Ṣaḥīḥ* had already performed with the Prophet ﷺ.

Chapter 58. What Has Been Mentioned About The Permission To Prostrate On The Clothing During The Heat And Cold

(المعجم ٥٨) - بَابُ مَا ذُكِرَ مِنْ
الرُّخْصَةِ فِي السُّجُودِ عَلَى الثَّوْبِ فِي
الْحَرِّ وَالْبَرْدِ (التحفة ٢٩٤)

584. Anas bin Mālik narrated: “When we prayed behind the Prophet ﷺ in the midday heat, we would prostrate on our garments as a protection against the heat.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

(He said:) There are narrations on this topic from Jābir bin ‘Abdullāh, and Ibn ‘Abbās. And Wakī‘ reported this *Ḥadīth* from Khālīd bin ‘Abdur-Raḥmān.

٥٨٤ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ: حَدَّثَنَا
عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ: أَخْبَرَنَا خَالِدُ بْنُ عَبْدِ
الرَّحْمَنِ قَالَ: حَدَّثَنِي غَالِبُ الْقَطَّانُ عَنْ بَكْرِ
ابْنِ عَبْدِ اللَّهِ الْمُرَنِّي، عَنْ أَنَسِ بْنِ مَالِكٍ
قَالَ: كُنَّا إِذَا صَلَّيْنَا خَلَفَ النَّبِيُّ ﷺ بِالظَّهَائِرِ
سَجَدْنَا عَلَى ثِيَابِنَا اتِّقَاءَ الْحَرِّ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.
[قَالَ:] وَفِي الْبَابِ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ
وَابْنِ عَبَّاسٍ. وَقَدْ رَوَى وَكِيعٌ هَذَا الْحَدِيثَ
عَنْ خَالِدِ بْنِ عَبْدِ الرَّحْمَنِ.

تخريج: متفق عليه، وأخرجه البخاري، مواقيت الصلاة، باب وقت الظهر عند الزوال، ح: ٥٤٢ من حديث ابن المبارك ومسلم، ح: ٦٢٠ من حديث غالب القطان به * وفي الباب عن جابر بن عبد الله [ابن عدي في الكامل: ١٧٨١/٥] وابن عباس [أحمد: ٢٥٦/١].

Comments:

According to the majority of the people of knowledge, Imām Abū Ḥanifah, Aḥmad, Mālik and Awzā’ī, a person offering prayer can make *Sujūd* on a cloth which he is wearing, if needed; and this is the right opinion.

Chapter 59. What Has Been Mentioned About What Is Recommended When Sitting After The *Ṣubḥ* Prayer Until The Sun Has Risen

585. Jābir bin Samurah narrated: "When the Prophet ﷺ prayed *Fajr* he would remain seated where he had prayed until the sun had risen." (*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

تخريج: وأخرجه مسلم، المساجد، باب فضل الجلوس في مصلاه بعد الصبح، وفضل المساجد، ح: ٦٧٠ من حديث أبي الأحوص به.

586. Anas bin Mālik narrated that the Messenger of Allāh ﷺ said: "Whoever prays *Fajr* in congregation, then sits remembering Allāh until the sun has risen, then he prays two *Rak'ah*, then for him is the reward like that of a *Hajj* and *Umrah*." He said: "The Messenger of Allāh ﷺ said: 'Complete, complete, complete.'" (*Da'īf*)

Abū 'Eīsā said: This *Ḥadīth* is *Ḥasan Gharīb*.

(He said:) I asked Muḥammad bin Ismā'il about Abū Zilāl, and he said: "He is *Muqārib* (average) in *Ḥadīth*." Muḥammad said: "His name is Hilāl."

تخريج: [إسناده ضعيف] * أبو ظلال بن أبي هلال: ضعيف (تقريب) وللحديث شواهد ضعيفة في مجمع الزوائد: ١٠٦/١٠ والترغيب والترهيب: ١٦٦/١ وغيرهما.

Comments:

Offering morning prayer with congregation and then to remain seated, sitting engaged in the remembrance of Allāh until the sun rose, and making this a

(المعجم ٥٩) - بَابُ مَا ذُكِرَ مِمَّا يُسْتَحَبُّ مِنَ الْجُلُوسِ فِي الْمَسْجِدِ بَعْدَ صَلَاةِ الصُّبْحِ حَتَّى تَطْلُعَ الشَّمْسُ (التحفة ٢٩٥)

٥٨٥ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو الْأَحْوَصِ عَنْ سِمَاكِ [بْنِ حَرْبٍ]، عَنْ جَابِرِ بْنِ سَمُرَةَ قَالَ: كَانَ النَّبِيُّ ﷺ إِذَا صَلَّى الْفَجْرَ قَعَدَ فِي مَضَلَّاهُ حَتَّى تَطْلُعَ الشَّمْسُ. قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

٥٨٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُعَاوِيَةَ الْجُمَحِيُّ الْبَصْرِيُّ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُسْلِمٍ: حَدَّثَنَا أَبُو ظِلَالٍ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ صَلَّى الْفَجْرَ فِي جَمَاعَةٍ ثُمَّ قَعَدَ يَذْكُرُ اللَّهَ حَتَّى تَطْلُعَ الشَّمْسُ ثُمَّ صَلَّى رَكْعَتَيْنِ كَانَتْ لَهُ كَأَجْرِ حَجَّةٍ وَعُمْرَةٍ» قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «تَامَّةٌ تَامَّةٌ تَامَّةٌ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ [قَالَ:] وَسَأَلْتُ مُحَمَّدَ بْنَ إِسْمَاعِيلَ عَنْ أَبِي ظِلَالٍ فَقَالَ: هُوَ مُقَارِبُ الْحَدِيثِ. قَالَ مُحَمَّدٌ: وَاسْمُهُ هِلَالٌ.

routine is a matter of righteous and rewardable deed, as it is clear with this *Hadīth*, and it was graded *Hasan* by Shaikh Al-Albānī.

Chapter 60. What Has Been Mentioned About Looking Around During *Ṣalāt*

(المعجم ٦٠) - بَابُ مَا ذُكِرَ فِي
الْاِتِّفَاتِ فِي الصَّلَاةِ (التحفة ٢٩٦)

587. Ibn ‘Abbās narrated: “The Messenger of Allāh ﷺ would glance toward the right and the left during *Ṣalāt* but he would not turn his neck to look behind him.” (*Hasan*)

Abū ‘Eīsā said: This *Hadīth* is *Gharīb*. Waki^[1] contradicted Al-Faḍl bin Mūsā (one of the narrators) in his narration.

٥٨٧ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ وَغَيْرُ وَاحِدٍ قَالُوا: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى عَنْ عَبْدِ اللَّهِ بْنِ سَعِيدٍ بْنِ أَبِي هِنْدٍ، عَنْ ثَوْرِ بْنِ زَيْدٍ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يَلْحَظُ فِي الصَّلَاةِ يَمِينًا وَشِمَالًا وَلَا يَلْوِي عَنْقَهُ خَلْفَ ظَهْرِهِ.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ، وَقَدْ خَالَفَ وَكِيعٌ الْفَضْلَ بْنَ مُوسَى فِي رَوَاتِهِ.

تخريج: [إسناده حسن] وأخرجه النسائي: ٩/٣، ح: ١٢٠٢ (السهو، باب الرخصة في الالتفات في الصلاة يمينًا وشمالًا) من حديث الفضل بن موسى به وصححه ابن خزيمة، ح: ٤٨٥، ٨٧١ وابن حبان (الإحسان): ٢٢٨٥ والحاكم: ١/٢٣٦، ٢٣٧، ٢٥٦ على شرط البخاري ووافقه الذهبي.

588. Sa‘eed bin Abī Hind narrated from some of the companions of ‘Ikrimah: “The Prophet ﷺ would glance during *Ṣalāt*” and he mentioned a similar narration. (*Hasan*)

(He said:) There are narrations on this topic from Anas and ‘Āishah.

٥٨٨ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا وَكِيعٌ عَنْ عَبْدِ اللَّهِ بْنِ سَعِيدٍ بْنِ أَبِي هِنْدٍ، عَنْ بَعْضِ أَصْحَابِ عِكْرَمَةَ أَنَّ النَّبِيَّ ﷺ كَانَ يَلْحَظُ فِي الصَّلَاةِ. فَذَكَرَ نَحْوَهُ.
[قَالَ:] وَفِي الْبَابِ عَنْ أَنَسٍ وَعَائِشَةَ.

تخريج: [حسن] انظر الحديث السابق * وفي الباب عن أنس [يأتي: ٥٨٩] وعائشة [يأتي: ٥٩٠].

589. Anas narrated: “The Messenger of Allāh ﷺ said to me: ‘O my son! Beware of looking around during the *Ṣalāt*, for indeed

٥٨٩ - حَدَّثَنَا مُسْلِمٌ بْنُ حَاتِمٍ الْبَصْرِيُّ أَبُو حَاتِمٍ: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْأَنْصَارِيُّ عَنْ أَبِيهِ، عَنْ عَلِيِّ بْنِ زَيْدٍ،

[1] He narrated the following *Hadīth*, and the contradiction is in the remainder of the chain.

looking around during *Ṣalāt* is destruction. If you must do so, then in the voluntary (prayers), not in the obligatory (prayers).” (*Ḍaʿīf*)

Abū ‘Eīsā said: this *Ḥadīth* is *Ḥasan* (*Gharīb*)

عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَنَسٍ قَالَ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «يَا بُنَيَّ إِنَّاكَ وَالْإِثْقَاتُ فِي الصَّلَاةِ فَإِنَّ الْإِثْقَاتُ فِي الصَّلَاةِ هَلَكَةٌ فَإِنْ كَانَ لَا بُدَّ فَفِي التَّطَوُّعِ لَا فِي الْفَرِيضَةِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ [غَرِيبٌ].

تخريج: [إسناده ضعيف] وأخرجه الطبراني في الصغير: ٣٣، ٣٢/٢ من حديث مسلم بن حاتم به مطولاً وقال: "نفرد به مسلم الأنصاري وكان ثقة" وهو في شرح السنة: ٢٥٣/٣، ٢٥٤، ح: ٧٣٥ من طريق الترمذي به * علي بن زيد بن جدعان ضعيف.

Comments:

Turning one's body and chest away from the direction of *Qiblah* and to look to the right and left will spoil the prayer. If there is a need for doing so for the protection and safety against a dangerous animal or insect, it then has exemption. The narrator negated looking backwards by turning the neck. The Prophet ﷺ would not turn his neck to the back because it is impossible without turning the chest.

590. ‘Āishah narrated: “I asked the Messenger of Allāh ﷺ about looking around during the *Ṣalāt*. He said: ‘It is a portion which the *Shaiṭān* snatches during a man's prayer.’” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Ḥadīth* is *Ḥasan* *Gharīb*.

٥٩٠ - حَدَّثَنَا صَالِحُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا أَبُو الْأَحْوَصِ عَنْ أَشْعَثَ بْنِ أَبِي الشَّعْثَاءِ، عَنْ أَبِيهِ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: سَأَلْتُ رَسُولَ اللَّهِ ﷺ عَنِ الْإِثْقَاتِ فِي الصَّلَاةِ قَالَ: «هُوَ اخْتِلَاسٌ يَخْتَلِسُهُ الشَّيْطَانُ مِنْ صَلَاةِ الرَّجُلِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ [غَرِيبٌ].

تخريج: وأخرجه البخاري، الأذان، باب الالتفات في الصلاة، ح: ٧٥١ من حديث أبي الأحوص به.

Comments:

The spirit of prayer is humility and humbleness; the prayer will be as perfect and effective as much as the humility. Looking sideways, here and there, lessens the humility and humbleness.

Chapter 61. What Has Been Mentioned About A Man Who Catches Up With The *Imām* (While He Is) In Prostration, What Should He Do ?

(المعجم ٦١) - بَابُ مَا ذُكِرَ فِي الرَّجُلِ يُدْرِكُ الْإِمَامَ [وَهُوَ] سَاجِدًا كَيْفَ يَصْنَعُ
(التحفة ٢٩٧)

591. Mu'adh bin Jabal narrated that the Messenger of Allāh ﷺ said: "When one of you comes to the *Ṣalāt* and (finds) the *Imām* is in a position, then do as the *Imām* is doing." (*Da'īf*)

Abū 'Eīsā said: This *Ḥadīth* is *Gharīb*, we do not know anyone who gave it a chain except for what has been reported from this route. This is acted upon according to the people of knowledge. They say that when a man comes and the *Imām* is in prostration, then he is to prostrate, yet that *Rak'ah* will not be acceptable since he missed the bowing with the *Imām*.

'Abdullāh bin Al-Mubārak preferred that one prostrate with the *Imām*, and he mentioned that some scholars said: "Perhaps he will not raise his head from that prostration until he has been forgiven."

٥٩١ - حَدَّثَنَا هِشَامُ بْنُ يُوسُفَ الْكُوفِيُّ: حَدَّثَنَا الْمُحَارِبِيُّ عَنِ الْحَجَّاجِ بْنِ أَرْطَاةَ، عَنْ أَبِي إِسْحَاقَ، عَنْ هُبَيْرَةَ [بْنِ يَرِيمَ]، عَنْ عَلِيٍّ، وَعَنْ عَمْرِو بْنِ مُرَّةَ، عَنْ ابْنِ أَبِي لَيْلَى، عَنْ مُعَاذِ بْنِ جَبَلٍ قَالَا: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا أَتَى أَحَدُكُمْ الصَّلَاةَ وَالْإِمَامُ عَلَى حَالٍ فَلْيَصْنَعْ كَمَا يَصْنَعُ الْإِمَامُ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ لَا نَعْلَمُ أَحَدًا أَشْنَدَهُ إِلَّا مَا رَوَى مِنْ هَذَا التَّوَجُّهِ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ، قَالُوا: إِذَا جَاءَ الرَّجُلُ وَالْإِمَامُ سَاجِدًا فَلْيَسْجُدْ وَلَا تُجْزِئُهُ تِلْكَ الرَّكْعَةُ إِذَا فَاتَهُ الرُّكُوعُ مَعَ الْإِمَامِ.

وَاخْتَارَ عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ أَنْ يَسْجُدَ مَعَ الْإِمَامِ. وَذَكَرَ عَنْ بَعْضِهِمْ فَقَالَ: لَعَلَّهُ لَا يَرْفَعُ رَأْسَهُ فِي تِلْكَ السَّجْدَةِ حَتَّى يُغْفَرَ لَهُ.

تخريج: [إسناده ضعيف] وأخرجه البغوي في شرح السنة، ح: ٨٢٥ من حديث الترمذي به وسنده ضعيف لعلل منها الحجاج بن أرتاة ضعيف مدلس وللحديث شواهد ضعيفة عند أبي داود، ح: ٥٠٦ وغيره.

Comments:

It is known from this *Ḥadīth* that a late follower should join the *Imām* in whatever position he meets him, and he should not wait for the *Imām* to stand up; and if the follower joins the *Imām* in *Rukū'* (bowing), there are two opinions about him:

- a. If he joins in *Rukū'*, then this *Rak'ah* will be counted, and the majority has this opinion.

- b. If a follower joins in *Rukū'* and he could not catch any part of the standing (*Qiyām*) in which he could read *Al-Fātiḥah*, then his *Rak'ah* will not be counted; because thus he missed two pillars of the prayer, standing and reading *Fātiḥah*, and reading *Fātiḥah*, at least, behind the *Imām* is compulsory. So the Prophet said: 'Pray whatever you catch with the *Imām* and make up whatever you miss'. Because in this case a latecomer misses both the standing and reading *Fātiḥah*, therefore this *Rak'ah* will be made up.

Chapter 62. About It Being Disliked For The People To Wait For The *Imām* While They Are Standing At The Beginning Of The Prayer

(المعجم ٦٢) - بَابُ كَرَاهِيَةِ أَنْ يَنْتَظِرَ
النَّاسُ الْإِمَامَ وَهُمْ قِيَامٌ عِنْدَ افْتِتَاحِ
الصَّلَاةِ (التحفة ٢٩٨)

592. 'Abdullāh bin Abī Qatādah narrated from his father that the Messenger of Allāh ﷺ said: "When the *Iqāmah* is called for the prayer, then do not stand until you see that I have come out." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Anas. And the *Hadīth* of Anas is not preserved.

Abū 'Eisā said: "The *Hadīth* of Abū Qatādah is a *Ḥasan Ṣaḥīḥ Hadīth*. There are those among the people of knowledge, among the Companions of the Prophet ﷺ and others, who dislike for the people to wait for the *Imām* while they are standing.

Some of them said that when the *Imām* is in the *Masjid* and the *Iqāmah* has been called for the prayer, then they only stand when the *Mu'adh-dhin* says: "*Qad qāmatiṣ-Ṣalāt*" this is the view of Ibn Al-Mubārak.

٥٩٢ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ: حَدَّثَنَا عَبْدُ اللَّهِ [ابْنُ] الْمُبَارَكِ: حَدَّثَنَا مَعْمَرٌ عَنْ يَحْيَى ابْنِ أَبِي كَثِيرٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي قَتَادَةَ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا أُقِيمَتِ الصَّلَاةُ فَلَا تَقُومُوا حَتَّى تَرَوْنِي خَرَجْتُ». [قَالَ:] وَفِي الْبَابِ عَنْ أَنَسٍ. وَحَدِيثُ أَنَسٍ غَيْرُ مَحْفُوظٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي قَتَادَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ كَرِهَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ أَنْ يَنْتَظِرَ النَّاسُ الْإِمَامَ وَهُمْ قِيَامٌ. وَقَالَ بَعْضُهُمْ: إِذَا كَانَ الْإِمَامُ فِي الْمَسْجِدِ فَأُقِيمَتِ الصَّلَاةُ فَإِنَّمَا يَقُومُونَ إِذَا قَالَ الْمُؤَذِّنُ: قَدْ قَامَتِ الصَّلَاةُ. وَهُوَ قَوْلُ ابْنِ الْمُبَارَكِ.

تخريج: متفق عليه، وأخرجه مسلم، المساجد، باب: متى يقوم الناس للصلاة؟، ح: ٦٠٤ من حديث معمر، البخاري، ح: ٦٣٧ من حديث يحيى بن أبي كثير به * وفي الباب عن أنس [عبد ابن حميد، ح: ١٢٥٩ والطبايسي، ح: ٢٠٢٨].

Comments:

Hadīth 1367 of *Ṣaḥīḥ Muslim* in which Abū Hurairah ؓ reports that the *Iqāmah* had been pronounced, we stood up for prayer and we straightened

the rows, the Prophet ﷺ had not yet come out to us; while no. 1369 tells that the *Iqamah* used to be pronounced for the Prophet ﷺ to lead the prayer and the people had already taken their places in the rows before the Prophet ﷺ would stand at his place. The reconciliation is that the people should stand up only after seeing the *Imām* if the *Imām* is not already in the mosque, as he ﷺ said: ‘When the prayer is ready, do not stand until you see me.’

Chapter 63. What Has Been Mentioned About Praising Allāh And Sending *Ṣalāt* Upon The Prophet ﷺ Before Supplicating

593. ‘Abdullāh said: “I was praying and the Prophet ﷺ, Abū Bakr, and ‘Umar were there, so when I sat, I started off with praising Allāh, then sending *Ṣalāt* upon the Prophet ﷺ, then supplicating for myself. So the Prophet ﷺ said: ‘Ask, your request will be granted; ask, your request will be granted.’” (*Ḥasan*)

(He said:) There are narrations on this topic from Faḍālāh bin ‘Ubaid.

Abū ‘Eīsā said: The *Ḥadīth* of ‘Abdullāh (bin Mas‘ūd) is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

Aḥmad bin Ḥanbal narrated a brief version of this *Ḥadīth* from Yaḥya bin Ādam.

(المعجم ٦٣) - بَابُ مَا ذُكِرَ فِي الثَّنَاءِ عَلَى اللَّهِ وَالصَّلَاةِ عَلَى النَّبِيِّ ﷺ قَبْلَ الدُّعَاءِ (التحفة ٢٩٩)

٥٩٣ - حَدَّثَنَا مَحْمُودُ بْنُ غِيلَانَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ: حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ عَنْ عَاصِمٍ، عَنْ زُرٍّ، عَنْ عَبْدِ اللَّهِ قَالَ: كُنْتُ أَصَلِّي وَالنَّبِيُّ ﷺ وَأَبُو بَكْرٍ وَعُمَرُ مَعَهُ، فَلَمَّا جَلَسْتُ بَدَأْتُ بِالثَّنَاءِ عَلَى اللَّهِ ثُمَّ الصَّلَاةَ عَلَى النَّبِيِّ ﷺ، ثُمَّ دَعَوْتُ لِنَفْسِي، فَقَالَ النَّبِيُّ ﷺ: «سَلْ تُعْطَ، سَلْ تُعْطَ».

[قَالَ:] وَفِي الْبَابِ عَنْ فَضَالَةَ بْنِ عُبَيْدٍ.

قَالَ أَبُو عِيْسَى: حَدِيثُ عَبْدِ اللَّهِ [بْنِ سَعْدٍ] حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَرَوَى أَحْمَدُ بْنُ حَنْبَلٍ عَنْ يَحْيَى بْنِ آدَمَ هَذَا الْحَدِيثَ مُخْتَصَرًا.

تخریج: [حسن] وأخرجه البغوي في شرح السنة، ح: ١٤٠١ من حديث الترمذي به، أبو بكر ابن عياش، تابعه زائدة (المعجم الكبير للطبراني: ٩/٦٢، ح: ٨٤١٧ وللحديث شواهد كثيرة جداً عند ابن حبان، ح: ٢٤٣٦ وغيره * وفي الباب عن فضالة بن عبيد [يأتي: ٣٤٧٦].

Comments:

If sitting means the sitting for *Tashah-hud*, it then means while sitting for the *Tashah-hud* in prayer, before making the supplication, the praise and glory of Allāh is to be celebrated and the blessings upon the Prophet are to be invoked and then the supplications should be made. If this sitting means the sitting after concluding the prayer, it then means that this is also from among the etiquettes of making supplication that, first, the praise and glory of Allāh is celebrated, then the blessings upon the Prophet are invoked and thereafter the needs, wishes and requests are begged of.

Chapter 64. What Has Been Mentioned About Scenting The *Masjid*

594. ‘Āishah narrated: “The Prophet ﷺ ordered the construction of *Masājid* in all *Dūr* and that they be kept clean and scented.” (*Ṣaḥīḥ*)

(المعجم ٦٤) - بَابُ مَا ذُكِرَ فِي تَطْيِيبِ
الْمَسَاجِدِ (التحفة ٣٠٠)

٥٩٤ - حَدَّثَنَا مُحَمَّدُ بْنُ حَاتِمٍ [الْمُؤَدَّبُ] الْبَغْدَادِيُّ [الْبَصْرِيُّ]: حَدَّثَنَا عَامِرُ بْنُ صَالِحِ الزُّبَيْرِيِّ [هُوَ مِنْ وَلَدِ الزُّبَيْرِ]: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: أَمَرَ النَّبِيُّ ﷺ بِنَاءِ الْمَسَاجِدِ فِي الدُّوْرِ وَأَنْ تُنْظَفَ وَتُطَيَّبَ.

تخريج: [صحيح] وأخرجه أبو داود، الصلاة، باب اتخاذ المساجد في الدور، ح: ٤٥٥؛ بإسناد صحيح عن هشام بن عروة به وصححه ابن خزيمة، ح: ١٢٩٢ وابن حبان (الإحسان): ١٦٣٢ من حديث هشام به * عامر متروك وتابعه زائدة وغيره.

595. (Another chain) from Hishām bin ‘Urwah, from his father: “That the Prophet ﷺ ordered.” And he mentioned similarly. (*Ṣaḥīḥ*)

(Abū ‘Eisā said:) This is more correct than the first *Hadīth*.

٥٩٥ - حَدَّثَنَا هَاشِمٌ: حَدَّثَنَا عَبْدُ وَكِيعٍ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ أَنَّ النَّبِيَّ ﷺ أَمَرَ. فَذَكَرَ نَحْوَهُ.

[قَالَ أَبُو عِيسَى:] وَهَذَا أَصَحُّ مِنَ الْحَدِيثِ الْأَوَّلِ.

تخريج: [صحيح] انظر الحديث السابق.

596. (Another chain) from Hishām bin ‘Urwah, from his father: “That the Prophet ﷺ ordered.” And he mentioned similarly. (*Ṣaḥīḥ*)

Sufyān said: “His saying: ‘the construction of *Masājid* in all *Dūr* means ‘tribes.’”

٥٩٦ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ أَنَّ النَّبِيَّ ﷺ أَمَرَ. فَذَكَرَ نَحْوَهُ.

وَقَالَ سُفْيَانُ: [قَوْلُهُ] بِنَاءِ الْمَسَاجِدِ فِي الدُّوْرِ يَعْنِي الْقَبَائِلَ.

تخريج: [صحيح] انظر الحديثين السابقين.

Comments:

It is known from this *Hadīth* that the people should build mosques in their localities and where their tribes live to make it easy for the people to join the congregation and also to facilitate the education for children and their good upbringing.

Chapter 65. What Has Been Related About The *Ṣalāt* During The Night And The Day Is Two And Two

597. Ibn 'Umar narrated that the Prophet ﷺ said: "The *Ṣalāt* during the night and the day is two and two." (*Hasan*)

Abū 'Eisā said: The companions of *Shu'bah* differed over the *Ḥadīth* of Ibn 'Umar; some of them narrated it *Marfū'*, and some of them *Mawqūf*. It was reported from 'Abdullāh Al-'Umarī, from Nāfi', from Ibn 'Umar, from the Prophet ﷺ and it is similar to this.

What is *Ṣaḥīḥ* is the one that is reported from Ibn 'Umar, from the Prophet ﷺ that he said: "The *Ṣalāt* of the night is two and two."

Trustworthy narrators reported it from 'Abdullāh bin 'Umar from the Prophet ﷺ and they did not mention the *Ṣalāt* of the night in it.

It has been reported from 'Ubaidullāh, from Nāfi', from Ibn 'Umar, that he would pray during the night two and two, and during the day in fours.

The people of knowledge differed about that, some of them thought that during the night and the day the *Ṣalāt* should be two and two, and this is the view of *Ash-Shāfi'i*, and *Aḥmad*. Some of them said that *Ṣalāt* in the night is two and two, and they thought that the voluntary *Ṣalāt* in the day is four, like the four before *Zuhr* or other voluntary prayers. This is the saying

(المعجم ٦٥) - بَابُ مَا جَاءَ أَنَّ صَلَاةَ اللَّيْلِ وَالنَّهَارِ مَثْنَى مَثْنَى (التحفة ٣٠١)

٥٩٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا شُعْبَةُ عَنْ يَعْلَى بْنِ عَطَاءٍ، عَنْ عَلِيِّ الْأَزْدِيِّ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «صَلَاةُ اللَّيْلِ وَالنَّهَارِ مَثْنَى مَثْنَى».

قَالَ أَبُو عِيسَى: اخْتَلَفَ أَصْحَابُ شُعْبَةَ فِي حَدِيثِ ابْنِ عُمَرَ، فَرَفَعَهُ بَعْضُهُمْ وَوَقَفَهُ بَعْضُهُمْ.

وَرَوَى عَنْ عَبْدِ اللَّهِ الْعُمَرِيِّ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ نَحْوُ هَذَا.

وَالصَّحِيحُ مَا رَوَى عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «صَلَاةُ اللَّيْلِ مَثْنَى مَثْنَى».

وَرَوَى الثَّقَاتُ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ، وَلَمْ يَذْكُرُوا فِيهِ صَلَاةَ النَّهَارِ.

وَقَدْ رَوَى عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ أَنَّهُ كَانَ يُصَلِّي بِاللَّيْلِ مَثْنَى مَثْنَى، وَبِالنَّهَارِ أَرْبَعًا.

وَقَدْ اخْتَلَفَ أَهْلُ الْعِلْمِ فِي ذَلِكَ، فَرَأَى بَعْضُهُمْ أَنَّ صَلَاةَ اللَّيْلِ وَالنَّهَارِ مَثْنَى مَثْنَى، وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ. وَقَالَ بَعْضُهُمْ: صَلَاةُ اللَّيْلِ مَثْنَى مَثْنَى، وَرَأَوْا صَلَاةَ التَّطَوُّعِ بِالنَّهَارِ أَرْبَعًا مِثْلَ الْأَرْبَعِ قَبْلَ الظُّهْرِ وَغَيْرَهَا مِنْ صَلَاةِ التَّطَوُّعِ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَابْنِ الْمُبَارَكِ وَإِسْحَاقَ.

of Sufyān Ath-Thawrī, Ibn Al-Mubārak, and Ishāq.

تخريج: [إسناده حسن] وأخرجه النسائي: ٢٢٧/٣، ح: ١٦٦٧ (قيام الليل، باب: كيف صلاة الليل) عن محمد بن بشار به وصححه ابن خزيمة، ح: ١٢١٠ وابن حبان، ح: ٦٣٦ والبخاري والبيهقي والخطابي والنووي وغيرهم وضعفه الدارقطني وأبو داود في مسائله، ص: ٣١٠ وأحمد والعقيلي وابن تيمية وللحديث شواهد في معرفة علوم الحديث للحاكم، وغيره.

Comments:

It is better to perform *Sunnah* and voluntary prayer of the day or night in sets of two, however praying four *Rak'ah* together with one final salutation (making *Tashah-hud* after two *Rak'ah*) is also allowed.

Chapter 66. How The Prophet ﷺ Performed Voluntary Prayers During the Day

598. 'Āsim bin Ḍamrah said: "We asked 'Alī about the prayer of the Messenger of Allāh ﷺ during the day. He said: 'You will not be able to do that.' We said: 'Whoever among is able (he will)?' So he said: 'When the sun appeared over there (east) like it appears here (west) at *ʿAṣr*, the Messenger of Allāh ﷺ would pray two *Rak'ah*."^[1] And when the sun appeared over there (east) like it appears here (west) at *Zuhr*, he would pray four *Rak'ah*."^[2] And he would pray four before *Zuhr* and two after it, and four before *ʿAṣr* separating between every two *Rak'ah* with *At-Taslim*^[3] upon the angels that are close (to Allāh) and those who follow them among the believers. and the Muslims." (*Hasan*)

(المعجم ٦٦) - بَابُ: كَيْفَ كَانَ يَتَطَوَّعُ

النَّبِيِّ ﷺ بِالنَّهَارِ (التحفة ٣٠٢)

٥٩٨ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي إِسْحَاقَ، عَنْ عَاصِمِ بْنِ ضَمْرَةَ قَالَ: سَأَلْنَا عَلِيًّا عَنْ صَلَاةِ رَسُولِ اللَّهِ ﷺ مِنَ النَّهَارِ، فَقَالَ: إِنَّكُمْ لَا تُطِيقُونَ ذَلِكَ فَقُلْنَا: مَنْ أَطَاقَ ذَلِكَ مِمَّا. فَقَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا كَانَتِ الشَّمْسُ مِنْ هَهُنَا كَهَيْئَتِهَا مِنْ هَهُنَا عِنْدَ الْعَصْرِ صَلَّى رَكَعَتَيْنِ، وَإِذَا كَانَتِ الشَّمْسُ مِنْ هَهُنَا كَهَيْئَتِهَا مِنْ هَهُنَا عِنْدَ الظُّهْرِ صَلَّى أَرْبَعًا، وَبُصِّلِي قَبْلَ الظُّهْرِ أَرْبَعًا وَبَعْدَهَا رَكَعَتَيْنِ، وَقَبْلَ الْعَصْرِ أَرْبَعًا يَفْصِلُ بَيْنَ كُلِّ رَكَعَتَيْنِ بِالتَّسْلِيمِ عَلَى الْمَلَائِكَةِ الْمُقَرَّبِينَ وَالنَّبِيِّينَ وَالْمُرْسَلِينَ وَمَنْ تَبِعَهُمْ مِنَ الْمُؤْمِنِينَ وَالْمُسْلِمِينَ.

^[1] Meaning, when the sun was low above the eastern horizon.

^[2] Meaning, when the sun was high above the eastern horizon before *Zuhr* time. See *Tuhfat Al-Ahwadhī*.

^[3] This was discussed in *Hadīth* no. 429 where part of it preceded.

تخريج: [إسناده حسن] وأخرجه النسائي: ١١٩/٢، ١٢٠، ح: ٨٧٥ (الإمامة، باب الصلاة قبل العصر ... إلخ) من حديث شعبة به وتقدم الحديث: ٤٢٤.

Comments:

This *Hadīth* tells us that the Prophet ﷺ would make one final salutation after four *Rak'ah* of *Awwābīn* and also after four *Rak'ah* before *Zuhr* and *ʿAṣr* prayers, he would make *Tashah-hud* in the middle (of four *Rak'ah*, i.e. after two *Rak'ah*). The Prophet would perform *Ḍuhā'* prayer after the sun had risen higher, he would do four *Rak'ah* as soon as the sun declined from the meridian, and he would do *Awwābīn* prayer before the declining of the sun.

599. (Another chain) from 'Alī, from the Prophet ﷺ similarly (no. 598). (*Hasan*)

Abū 'Eīsā said: This *Hadīth* is *Hasan*.

Ishāq bin Ibrāhīm said: "This is the best thing reported about the voluntary prayer of the Prophet ﷺ in the day."

It has been reported that ('Abdullāh) Ibn Al-Mubārak considered this *Hadīth* weak, and he only said it was weak – according to us and Allāh knows best – because the like of this is not reported except from this route, from 'Āṣim bin Ḍamrah, from 'Alī. And 'Āṣim bin Ḍamrah is trustworthy according to some of the people of *Hadīth*.

'Alī bin Al-Madīnī said: "Yaḥya bin Sa'eed Al-Qaṭṭān said: 'Sufyān said: "We recognize the virtue of the narrations of 'Āṣim bin Ḍamrah to be better than the narrations of Al-Hārith."

٥٩٩ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي إِسْحَاقَ، عَنْ عَاصِمِ بْنِ ضَمْرَةَ، عَنْ عَلِيٍّ عَنِ النَّبِيِّ ﷺ نَحْوَهُ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ. وَقَالَ إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَحْسَنُ شَيْءٍ رَوَى فِي تَطَوُّعِ النَّبِيِّ ﷺ بِالنَّهَارِ هَذَا. وَرَوَى عَنْ [عَبْدِ اللَّهِ] بْنِ الْمُبَارَكِ أَنَّهُ كَانَ يُضَعِّفُ هَذَا الْحَدِيثَ، وَإِنَّمَا ضَعَّفَهُ، عِنْدَنَا وَاللَّهُ أَعْلَمُ لِأَنَّهُ لَا يُرَوَّى مِثْلُ هَذَا عَنِ النَّبِيِّ ﷺ إِلَّا مِنْ هَذَا الْوَجْهِ عَنْ عَاصِمِ بْنِ ضَمْرَةَ، عَنْ عَلِيٍّ. وَعَاصِمُ بْنُ ضَمْرَةَ هُوَ ثِقَةٌ عِنْدَ بَعْضِ أَهْلِ الْحَدِيثِ.

قَالَ عَلِيُّ بْنُ الْمَدِينِيِّ: قَالَ يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ. قَالَ سُفْيَانُ: كُنَّا نَعْرِفُ فَضْلَ حَدِيثِ عَاصِمِ بْنِ ضَمْرَةَ عَلَى حَدِيثِ الْحَارِثِ.

تخريج: [إسناده حسن] انظر الحديث السابق * قول سفيان الثوري صحيح، تقدم: ٤٢٤.

Comments:

The most critical objection in this *Hadīth* is that so many number of *Rak'ah* are not reported from any other Companion; but this objection has no weight.

Chapter 67. About Prayer In A Woman's Cover^[1] Being Disliked

600. 'Āishah narrated: "The Messenger of Allāh ﷺ would not pray in women's covers." (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* is *Hasan Ṣaḥīḥ* and it has been reported that the Prophet ﷺ permitted that.

(المعجم ٦٧) - بَابُ: فِي كَرَاهِيَةِ الصَّلَاةِ

فِي لُحْفِ النِّسَاءِ (التحفة ٣٠٣)

٦٠٠ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى:

حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ عَنْ أَشْعَثَ وَهُوَ ابْنُ عَبْدِ الْمَلِكِ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ عَبْدِ اللَّهِ بْنِ شَقِيقٍ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ لَا يُصَلِّي فِي لُحْفٍ نِسَائِهِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَقَدْ رَوَيْ فِي ذَلِكَ رَحْصَةُ، عَنِ النَّبِيِّ ﷺ.

تخريج: [إسناده صحيح] وأخرجه أبو داود، الصلاة، باب الصلاة في شعر النساء، ح: ٦٤٥ من حديث أشعث بن عبد الملك به مطولاً وصححه ابن الجارود، ح: ١٣٤ والحاكم على شرط الشيخين: ٢٥٢/١ ووافقه الذهبي، وجاء في الإحسان وهم، ح: ٢٣٣٠ انظر إتحاف المهرة: ٢٩/١٧، ح: ٢١٨١١.

Chapter 68. (Mentioning) What Is Allowed From Walking And Actions During Voluntary *Ṣalāt*

601. 'Urwah narrated that 'Āishah said: "I came while the Messenger of Allāh ﷺ was praying in the house and the door was closed. So he walked until he opened the door for me, then he returned to his place." And she described the door to be in the direction of the *Qiblah*. (*Da'īf*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Gharīb*.

(المعجم ٦٨) - بَابُ [ذِكْرُ] مَا يَجُوزُ

مِنَ الْمَشْيِ وَالْعَمَلِ فِي صَلَاةِ التَّطَوُّعِ

(التحفة ٣٠٤)

٦٠١ - حَدَّثَنَا أَبُو سَلَمَةَ يَحْيَى بْنُ خَلْفٍ:

حَدَّثَنَا يَشْرُ بْنُ الْمُفَضَّلِ عَنْ بُرْدِ بْنِ سِنَانٍ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: جِئْتُ وَرَسُولُ اللَّهِ ﷺ يُصَلِّي فِي الْبَيْتِ وَالْبَابُ عَلَيْهِ مُغْلَقٌ، فَمَشَى حَتَّى فَتَحَ لِي ثُمَّ رَجَعَ إِلَى مَكَانِهِ، وَوَصَفَتِ الْبَابَ فِي الْقِبْلَةِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ

غَرِيبٌ.

^[1] *Luhuf* plural for *Lihāf* and it is a blanket or cloth which may be worn above the rest of the clothing.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الصلاة، باب العمل في الصلاة، ح: ٩٢٢ من حديث بشر به * الزهري مدلس وعنن ولحديثه شاهد ضعيف عند الدارقطني ٨٠/٢:

Comments:

Many experts of the knowledge of *Hadīth* accepted the verdict of Imām At-Tirmidhī stating a *Hadīth* as '*Hasan/Sound*'. So this *Hadīth* is worthy of proof; moreover, other narrations are also in its support.

Chapter 69. What Has Been Mentioned About Reciting Two *Sūrat* In A *Rak'ah*

(المعجم ٦٩) - بَابُ مَا ذَكَرَ فِي
قِرَاءَةِ سُورَتَيْنِ فِي رَكْعَةٍ
(التحفة ٣٠٥)

602. Abū Wā'il said: "A man asked 'Abdullāh bin Mas'ūd about this phrase: '*Ghāiri āsinin*'^[1] or is it *Yāsinin*? So he said: 'You can recite all of the Qur'ān besides this [phrase]?' He said: 'Yes.' He said: 'Indeed a people recite it, disbursing it like *Ad-Daqqal*'^[2] are dispersed, without it passing their throats. Indeed I am aware of the *Sūrat* that are comparable which the Messenger of Allāh ﷺ would recite together." He said: "So we told 'Alqamah to ask him (what they were). He said: 'Twenty *Sūrat* from the *Mufaṣṣal* from which the Prophet ﷺ would combine, reciting every two *Surah* in a *Rak'ah*.'" (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Hadīth* is *Ḥasan Ṣaḥīḥ*.

٦٠٢ - حَدَّثَنَا مُحَمَّدُ بْنُ غِيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ قَالَ: أَتْبَانَا شُعْبَةُ عَنِ الْأَعْمَشِ قَالَ: سَمِعْتُ أَبَا وَائِلٍ قَالَ: سَأَلَ رَجُلٌ عَبْدَ اللَّهِ عَنْ هَذَا الْحَرْفِ ﴿غَيْرِ آسِنٍ﴾ [مُحَمَّد: ١٥] أَوْ يَاسِينَ قَالَ: كُلُّ الْقُرْآنِ قَرَأْتُ غَيْرَ هَذَا [الْحَرْفِ]؟ قَالَ: نَعَمْ، قَالَ: إِنَّ قَوْمًا يَقْرَأُونَهُ يَشْتَرُونَهُ نَتْرَ الدَّقْلِ، لَا يُجَاوِزُ تَرَاقِيهِمْ، إِنِّي لَأَعْرِفُ السُّورَ النَّطَائِرَ الَّتِي كَانَ رَسُولُ اللَّهِ ﷺ يَقْرَأُ بَيْنَهُنَّ، قَالَ: فَأَمَرْنَا عَلْقَمَةَ فَسَأَلَهُ فَقَالَ: عِشْرُونَ سُورَةً مِنَ الْمَفْصَلِ كَانَ النَّبِيُّ ﷺ يَقْرَأُ بَيْنَ كُلِّ سُورَتَيْنِ فِي رَكْعَةٍ. قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

^[1] That is *Sūrah Muḥammad* 47:15, and it refers to the rivers of water in Paradise that are: 'not changed'.

^[2] *Ad-Daqqal* is used to refer to a type of datepalm tree, and its fruits, as well as spoiled dates that have fallen from the cluster.

تخريج: متفق عليه، وأخرجه البخاري، فضائل القرآن، باب تأليف القرآن، ح: ٤٩٩٦ ومسلم، ح: ٨٢٢ من حديث الأعمش به وهو في مسند أبي داود الطيالسي، ح: ٢٥٩.

Chapter 70. What Has Been Mentioned About The Virtue Of Walking To The Masjid And What Rewards Are Written For Each Step One Takes

603. Abū Hurairah narrated that the Prophet ﷺ said: “When a man performs *Wudū’* and he performs his *Wudū’* well, then he leaves to the *Ṣalāt*, and he did not leave – or he said: He had no urge – except for it, then there is not one step that he takes except that Allāh raises him a degree from it, or removes a sin from him for it.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

(المعجم ٧٠) - بَابُ مَا ذَكَرَ فِي فَضْلِ الْمَشْيِ إِلَى الْمَسْجِدِ وَمَا يُكْتَبُ لَهُ مِنَ الْأَجْرِ فِي خُطَاهُ (التحفة ٣٠٦)

٦٠٣ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ قَالَ: أَنْبَأَنَا شُعْبَةُ عَنْ الْأَعْمَشِ سَمِعَ ذُكْوَانَ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا تَوَضَّأَ الرَّجُلُ فَأَحْسَنَ الْوُضُوءَ ثُمَّ خَرَجَ إِلَى الصَّلَاةِ لَا يُخْرِجُهُ أَوْ قَالَ: لَا يَنْهَزُهُ إِلَّا إِيَّاهَا لَمْ يَخْطُ خُطْوَةً إِلَّا رَفَعَهُ اللَّهُ بِهَا دَرَجَةً أَوْ حَطَّ عَنْهُ بِهَا حَاطَّةٌ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه مسلم، المساجد، باب فضل الصلاة المكتوبة في جماعة ... الخ، ح: ٢٧٢/٦٤٩ من حديث شعبة والبخاري، ح: ٤٧٧ من حديث الأعمش به وهو في مسند أبي داود الطيالسي، ح: ٢٤١٤.

Comments:

This *Ḥadīth* proves that if a person makes ablution at home, observing all its etiquettes and obligations and makes it perfect, he then goes out to the mosque just for the sake of prayer with sincere intention, and he does not intend out of it any worldly benefit and social necessity, Allāh raises him one rank for each step or deletes one sin (for each step).

Chapter 71. What Has Been Mentioned About *Ṣalāt* After *Maghrib* Is More Virtuous In The House

604. Sa’d bin Ishāq bin Ka’b bin ‘Ujrah narrated from his father from his grandfather who said: “The Prophet ﷺ prayed *Maghrib* in the *Masjid* of Banū ‘Abdul-Ashhal, and

(المعجم ٧١) - بَابُ مَا ذَكَرَ فِي الصَّلَاةِ بَعْدَ الْمَغْرِبِ [أَنَّهُ] فِي الْبَيْتِ أَفْضَلُ (التحفة ٣٠٧)

٦٠٤ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ أَبِي الْوَزِيرِ [الْبَصْرِيُّ ثِقَةً]: حَدَّثَنَا مُحَمَّدُ بْنُ مُوسَى عَنْ سَعْدِ بْنِ إِسْحَاقَ بْنِ

some people stood to offer voluntary prayers, so the Prophet ﷺ said: 'This *Ṣalāt* is to be performed by you in your homes.'" (*Hasan*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Gharīb* (as a narration of Ka'b bin 'Ujrah), we do not know of it except from this route. What is *Ṣaḥīh* is what is reported from Ibn 'Umar who said: "The Messenger of Allāh ﷺ would pray two *Rak'ah* after *Maghrib* in his house."

(Abū 'Eisā said:) It has been reported from Hudhaifah that the Prophet ﷺ prayed *Maghrib*, and he did not stop praying in the *Masjid* until he prayed the latter '*Ishā*'. So in this *Ḥadīth* is the proof that the Prophet ﷺ prayed the two *Rak'ah* after *Maghrib* in the *Masjid*.

كَعْبُ بْنُ عُجْرَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: صَلَّى النَّبِيُّ ﷺ فِي مَسْجِدِ بَنِي عَبْدِ الْأَشْهَلِ الْمَغْرِبِ فَقَامَ نَاسٌ يَتَنَلَّلُونَ، فَقَالَ النَّبِيُّ ﷺ: «عَلَيْكُمْ بِهَذِهِ الصَّلَاةِ فِي الْبُيُوتِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ [مِنْ حَدِيثِ كَعْبِ بْنِ عُجْرَةَ] لَا نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ. وَالصَّحِيحُ مَا رُوِيَ عَنْ ابْنِ عُمَرَ قَالَ: كَانَ النَّبِيُّ ﷺ يُصَلِّي الرُّكْعَتَيْنِ بَعْدَ الْمَغْرِبِ فِي بَيْتِهِ.

[قَالَ أَبُو عِيسَى:] وَقَدْ رُوِيَ عَنْ حُذَيْفَةَ أَنَّ النَّبِيَّ ﷺ صَلَّى الْمَغْرِبَ فَمَا زَالَ يُصَلِّي فِي الْمَسْجِدِ حَتَّى صَلَّى الْعِشَاءَ الْآخِرَةَ فَبَيَّنَ هَذَا الْحَدِيثُ دَلَالَةً أَنَّ النَّبِيَّ ﷺ صَلَّى الرُّكْعَتَيْنِ بَعْدَ الْمَغْرِبِ فِي الْمَسْجِدِ.

تخريج: [إسناده حسن] وأخرجه النسائي: ١٩٨/٣، ١٩٩، ح: ١٦٠١ (قيام الليل، باب الحث على الصلاة في البيوت والفضل في ذلك) عن محمد بن بشار به وصححه ابن خزيمة، ح: ١٢٠١ * محمد بن موسى هو الفطري وللحديث شواهد، حديث ابن عمر أخرجه البخاري، ح: ١١٧٢ ومسلم، ح: ٧٢٩ وحديث حذيفة، يأتي: ٣٧٨١.

Comments:

Performing voluntary prayer at home is certainly more virtuous, it also includes the *Sunnah* after *Maghrib* prayer; but praying *Sunnah* of *Maghrib* in the mosque is allowed too, and the opinion of those is incorrect who say that the *Sunnah* of *Maghrib* in the mosque are invalid. [*Tuḥfat Al-Aḥwadhī*: 1/413]

Chapter 72. (What Has Been Mentioned) About A Man Performing *Ghusl* When He Accepts Islām

605. Qais bin 'Āsim narrated that he accepted Islām and the Prophet ﷺ ordered him to perform *Ghusl* with water and *Sidr*. (*Ṣaḥīh*)

(المعجم ٧٢) - بَابُ [مَا ذُكِرَ] فِي الْإِغْتِسَالِ عِنْدَ مَا يُسَلِّمُ الرَّجُلُ (التحفة ٣٠٨)

٦٠٥ - حَدَّثَنَا بُنْدَارٌ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ ابْنُ مَهْدِيٍّ: حَدَّثَنَا سُفْيَانُ عَنْ الْأَعْرَبِيِّ بْنِ الصَّبَّاحِ، عَنْ خَلِيفَةَ بْنِ حُصَيْنٍ، عَنْ قَيْسِ

(He said:) There is a narration on this topic from Abū Hurairah.

Abū 'Eīsā said: This *Hadīth* is *Ḥasan*, we do not know of it except from this route. It is acted upon according to the people of knowledge, they consider it recommended for a man, when he accepts Islām, to perform *Ghusl* and to wash his clothes.

ابْنُ عَصِيمٍ أَنَّهُ أَسْلَمَ فَأَمَرَهُ النَّبِيُّ ﷺ أَنْ يَغْتَسِلَ بِمَاءٍ وَسِدْرٍ.

[قَالَ:] وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ لَا نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ. وَالْعَمَلُ عَلَيْهِ عِنْدَ أَهْلِ الْعِلْمِ يَسْتَحِبُّونَ لِلرَّجُلِ إِذَا أَسْلَمَ أَنْ يَغْتَسِلَ وَيَغْسِلَ ثِيَابَهُ.

تخريج: [صحيح] وأخرجه أبو داود، الطهارة، باب الرجل يسلم فيؤمر بالغسل، ح: ٣٥٥ من حديث سفيان الثوري به وصرح بالسماع عنده وصححه ابن خزيمة، ح: ٢٥٤، ٢٥٥ وابن حبان، ح: ٢٣٤ وابن الجارود، ح: ١٤ وغيرهم وسنده حسن وحسنه البغوي والنووي وللحديث شواهد عند البخاري ومسلم وغيرهما * وفي الباب عن أبي هريرة [أحمد: ٣٠٤/٢] وأصله متفق عليه.

Comments:

An adult non-Muslim, he has wet dream, also he has sexual contact with his wife and this requires taking a bath compulsorily, whereas a disbeliever normally does not bother to do so. Therefore due to this state taking a bath is obligatory for him, according to the consensus; and if taking a bath is not compulsory for him, it is then desirable for him to take a bath in the view of *Hanaḥī* and *Shāfi'ī*.

Chapter 73. What Has Been Mentioned About The *Tasmiyah* When Entering The Area Of Relieving Oneself

606. 'Alī bin Abī Ṭālib (may Allāh be pleased with him) narrated that the Messenger of Allāh ﷺ said: "The screen between the eyes of the jinns and the nakedness of the children of Ādam when one of you enters the area of relieving oneself is saying: '*Bismillāh*.'" (*Da'if*)

Abū 'Eīsā said: This *Hadīth* is *Gharīb*, we do not know of it except from this route, and its chain is not that strong.

(المعجم ٧٣) - بَابُ مَا ذُكِرَ مِنْ التَّسْمِيَةِ عِنْدَ دُخُولِ الْخَلَاءِ (التحفة ٣٠٩)

٦٠٦ - حَدَّثَنَا مُحَمَّدُ بْنُ حُمَيْدٍ الرَّازِيُّ: حَدَّثَنَا الْحَكَمُ بْنُ بَشِيرٍ بْنُ سَلْمَانَ: حَدَّثَنَا خَلَادُ الصَّفَّارُ عَنِ الْحَكَمِ بْنِ عَبْدِ اللَّهِ النَّضْرِيِّ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي جُحَيْفَةَ، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ [رَضِيَ اللَّهُ عَنْهُ] أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «سَتْرُ مَا بَيْنَ أَعْيُنِ الْجِنِّ وَعَوْرَاتِ بَنِي آدَمَ إِذَا دَخَلَ أَحَدُهُمُ الْخَلَاءَ أَنْ يَقُولَ: بِسْمِ اللَّهِ».

Something about this has been narrated from Anas from the Prophet ﷺ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ لَا نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ. وَإِسْنَادُهُ لَيْسَ بِذَلِكَ [الْقَوِيُّ]. وَقَدْ رَوَى عَنْ أَنَسٍ عَنِ النَّبِيِّ ﷺ شَيْئًا فِي هَذَا.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، الطهارة وسننها، باب ما يقول الرجل إذا دخل الخلاء، ح: ٢٩٧ عن محمد بن حميد الرازي به * فيه علل منها عن عنة أبي إسحاق وللحديث شواهد كلها ضعيفة وحديث معاوية بن حيدة، لم أجده مسندًا وحديث أنس أخرجه الطبراني في الأوسط: ٢٤٥/٣، ح: ٢٥٢٥، ٣٢/٨، ح: ٧٠٦٢ بسندين.

Comments:

It is clear by having a thorough look at the various narrations that when entering the toilet, it is recommended to say 'Bismillāh' and 'A'ūdhu billāhi minal khubthi wal khabā'ith'. Though only one is enough as well, because some of the narrations reported about 'Bismillāh' are authentic. [Ma'arif As-Sunan: 5/144, Tuhfatul Al-Aḥwadhī: 1/414].

Chapter 74. What Has Been Mentioned Of The Mark Of This Nation From The Traces Of Prostrations And Purification On The Day Of Resurrection

(المعجم ٧٤) - بَابُ مَا ذُكِرَ مِنْ سِيمَا هَذِهِ الْأُمَّةِ مِنْ آثَارِ السُّجُودِ وَالطُّهُورِ يَوْمَ الْقِيَامَةِ (التحفة ٣١٠)

607. 'Abdullāh bin Busr narrated that the Prophet ﷺ said: "On the Day of Resurrection, my nation will be radiant from prostrating and shining from Wudū'." (*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ Gharīb* from this route as a narration of 'Abdullāh bin Busr.

٦٠٧ - حَدَّثَنَا أَبُو الْوَلِيدِ [أَحْمَدُ بْنُ بَكَّارٍ] الدَّمَشَقِيُّ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ قَالَ: قَالَ صَفْوَانُ بْنُ عَمْرٍو: أَخْبَرَنِي يَزِيدُ بْنُ حُمَيْرٍ عَنْ عَبْدِ اللَّهِ بْنِ بُسْرِ عَنِ النَّبِيِّ ﷺ قَالَ: «أُمَّتِي يَوْمَ الْقِيَامَةِ غُرٌّ مِنَ السُّجُودِ مُحَجَّلُونَ مِنَ الْوُضُوءِ». قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ مِنْ حَدِيثِ عَبْدِ اللَّهِ بْنِ بُسْرِ.

تخريج: [صحيح] وأخرجه أحمد: ١٨٩/٤ بإسناد صحيح عن صفوان بن عمرو به وللحديث شواهد كثيرة * الوليد بن مسلم تابعه أبوالمغيرة وهو ثقة.

Comments:

The traces of ablution of the 'Last Nation' (Muslims) will appear, on the 'Day of Resurrection', that the hands, feet and face will shine and glitter, and due to prostration the face will become more beautiful, delightful and handsome.

Chapter 75. That Starting From The Right Is Recommended In Purification

608. ‘Āishah narrated: “The Messenger of Allāh ﷺ would love to start with the right side when he purified himself, and when he combed, and when putting his sandals on.” (*Ṣaḥīḥ*)

Abū Ash-Sha‘thā’s name is Sulaim bin Aswad Al-Muḥārībī.

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

(المعجم ٧٥) - بَابُ مَا يُسْتَحَبُّ مِنَ التَّيْمَنِ فِي الطُّهُورِ (التحفة ٣١١)

٦٠٨ - حَدَّثَنَا هَذَا: حَدَّثَنَا أَبُو الْأَحْوَصِ عَنْ أَشْعَثَ بْنِ أَبِي الشَّعْثَاءِ، عَنْ أَبِيهِ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: إِنَّ رَسُولَ اللَّهِ ﷺ كَانَ يُحِبُّ التَّيْمَنَ فِي طُهُورِهِ إِذَا تَطَهَّرَ، وَفِي تَرْجُلِهِ إِذَا تَرَجَّلَ، وَفِي انْتِعَالِهِ إِذَا انْتَعَلَ. وَأَبُو الشَّعْثَاءِ اسْمُهُ سُلَيْمٌ بْنُ أَسْوَدَ الْمُحَارِبِيِّ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه مسلم، الطهارة، التيمن في الطهور وغيره، ح: ٢٦٨ من حديث أبي الأحوص والبخاري، ح: ١٦٨ من حديث أشعث بن سليم بن أسود به.

Comments:

The Prophet ﷺ would usually begin the liked acts from the right side to attain the blessing. But he would also start some actions by the left side, like: stepping out of the mosque with the left foot and to use the left hand for cleansing after relieving himself. This issue has preceded in ‘the Book of Purification’.

Chapter 76. What Has Been Mentioned About The Amount Of Water That Is Acceptable For *Wuḍū’*

609. Anas bin Mālik narrated that the Messenger of Allāh ﷺ said: The acceptable *Wuḍū’* is with two *Raṭils*^[1] of water.” (*Da‘īf*)

Abū ‘Eisā said: This *Ḥadīth* is *Gharīb*, we do not know it except as a narration of *Sharīk* with this wording.

Shu‘bah reported from ‘Abdullāh

(المعجم ٧٦) - بَابُ ذِكْرِ قَدْرِ مَا يُجْزَى مِنَ الْمَاءِ فِي الْوُضُوءِ (التحفة ٣١٢)

٦٠٩ - حَدَّثَنَا هَذَا: حَدَّثَنَا وَكِيعٌ عَنْ شَرِيكٍ، عَنْ عَبْدِ اللَّهِ بْنِ عِيسَى، عَنْ ابْنِ جَبْرِ، عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «يُجْزَى فِي الْوُضُوءِ رَطْلَانِ مِنْ مَاءٍ». قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ شَرِيكٍ عَلَى هَذَا اللَّفْظِ.

[1] “A *Raṭil* is twelve *Uqiya*, and an *Uqiya* is forty Dirham.” *Tuḥfat Al-Aḥwadhī*, and he cited it from *Al-Qamūs Al-Muḥīṭ*.

bin ‘Abdullāh bin Jabr, from Anas bin Mālik: “The Prophet ﷺ would perform *Wuḍū’* with a *Makūk*^[1] and *Ghusl* with five *Makūk*.”

[And it has been reported from Sufyān Ath-Thawrī, from ‘Abdullāh bin ‘Eisā, from ‘Abdullāh bin Jabr, from Anas: “The Prophet ﷺ would perform *Wuḍū’* with a *Mudd*^[2] and he would perform *Ghusl* with a *Ṣā’*.” And this is more correct than the *Hadīth* of Sharīk].

تخريج: [إسناده ضعيف] وأخرجه أحمد: ١٧٩/٣ عن وكيع به وله لون آخر عند أبي داود، ح: ٩٥ وحديثه صحيح * شريك نعنن وهو في شرح السنة: ٥٢/٢، ح: ٢٧٨ من طريق الترمذي به حديث شعبة رواه مسلم (٣٥٢) وهو يغني عنه وحديث سفيان الثوري: لم أجده.

Comments:

The Prophet ﷺ would not always use the same amount of water for ablution and bath; its amount would increase and decrease.

Chapter 77. What Has Been Mentioned About Sprinkling Water On The Urine Of A Male Child Of Suckling Age

610. ‘Alī bin Abī Ṭālib (may Allāh be pleased with him) narrated that the Messenger of Allāh ﷺ said, about urine of a male child that suckles: “The urine of the boy is sprinkled, and the girl’s urine is washed.” Qatādah (one of the narrators) said: “This is so, as long as they do not eat, when they eat, then both of them are washed.” (*Saḥīh*)

Abū ‘Eisā said: This *Ḥadīth* is *Hasan* (*Saḥīh*).

Hishām Ad-Dastawā’i narrated this *Ḥadīth* from Qatādah in *Marfū’*

وَرَوَى شُعْبَةُ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ جَبْرِ، عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ النَّبِيَّ ﷺ كَانَ يَتَوَضَّأُ بِالْمَكُوكِ وَيَغْتَسِلُ بِخَمْسَةِ مَكَاكِيٍّ. [وَرَوَى عَنْ سُفْيَانَ الثَّوْرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عِيسَى، عَنْ عَبْدِ اللَّهِ بْنِ جَبْرِ، عَنْ أَنَسٍ: أَنَّ النَّبِيَّ ﷺ كَانَ يَتَوَضَّأُ بِالْمُدِّ وَيَغْتَسِلُ بِالصَّاعِ. وَهَذَا أَصَحُّ مِنْ حَدِيثِ شَرِيكٍ].

(المعجم ٧٧) - بَابُ مَا ذَكَرَ فِي نَضْحِ بَوْلِ الْغُلَامِ الرَّضِيعِ (التحفة ٣١٣)

٦١٠ - حَدَّثَنَا بُنْدَارٌ: حَدَّثَنَا مُعَاذُ بْنُ هِشَامٍ قَالَ: حَدَّثَنِي أَبِي عَنْ قَتَادَةَ، عَنْ أَبِي حَرْبٍ بْنِ أَبِي الْأَسْوَدِ، عَنْ أَبِيهِ، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ [رَضِيَ اللَّهُ عَنْهُ] عَنِ النَّبِيِّ ﷺ قَالَ فِي بَوْلِ الْغُلَامِ الرَّضِيعِ: «يُنْضَحُ بَوْلُ الْغُلَامِ وَيُغْسَلُ بَوْلُ الْجَارِيَةِ». قَالَ قَتَادَةُ: وَهَذَا مَا لَمْ يَطْعَمَا، فَإِذَا طَعَمَا غُسِلَا جَمِيعًا.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ [صَحِيحٌ].

[1] An-Nawawī said: “Perhaps the meaning of *Makūk* here is *Mudd*.” See *Tuhfat Al-Ahwadhī*.

[2] These two are defined under *Ḥadīth* no. 56.

form, but Sa'eed bin Abī 'Arūbah narrated it from Qatādah without it being *Marfū'*.

رَفَعَ هِشَامُ الدُّسْتَوَائِيُّ هَذَا الْحَدِيثَ عَنْ قَتَادَةَ، وَوَفَّقَهُ سَعِيدُ بْنُ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ وَلَمْ يَرْفَعْهُ.

تخريج: [صحيح] وأخرجه أبو داود، الطهارة، باب يول الصبي يصيب الثوب، ح: ٣٧٨ وابن ماجه، ح: ٥٢٥ من حديث معاذ بن هشام الدستوائي به وصححه ابن خزيمة، ح: ٢٨٤ وابن حبان، ح: ٢٤٧ والحاكم: ١٦٥/١ ووافقه الذهبي وللحديث شواهد كثيرة جداً عند أبي داود (٣٧٦) وغيره.

Comments:

These few chapters and their issues have been mentioned previously in the Book of Purification.

Chapter (...) What Has Been Mentioned About The Prophet ﷺ Performing *Mash*^[1] After The Revelation Of (*Sūrat Al-Mā'idah*)

(المعجم ...) - [بَابُ مَا ذُكِرَ فِي مَسْحِ النَّبِيِّ ﷺ بَعْدَ نَزُولِ الْمَائِدَةِ] (التحفة ...)

611. [Shahr bin Hawshab said: "I saw Jarīr bin 'Abdullāh performing *Wuḍū'* and wiping over his *Khuff*." He said: "So I asked him: 'What is that?' He said: 'I saw the Prophet ﷺ performing *Wuḍū'* and he wiped over his *Khuff*.' So I said to him: 'Before *Al-Mā'idah* or after *Al-Mā'idah*?' He said: 'I did not accept Islām until after *Al-Mā'idah*.'"] (*Hasan*)

٦١١ - [حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا خَالِدُ بْنُ زَيْدٍ عَنْ مُقَاتِلِ بْنِ حَيَّانَ، عَنْ شَهْرِ بْنِ حَوْشَبٍ قَالَ: رَأَيْتُ جَرِيرَ بْنَ عَبْدِ اللَّهِ تَوَضَّأَ وَمَسَحَ عَلَى خُفَيْهِ، قَالَ: فَقُلْتُ لَهُ فِي ذَلِكَ؟ فَقَالَ: رَأَيْتُ النَّبِيَّ ﷺ تَوَضَّأَ فَمَسَحَ عَلَى خُفَيْهِ، فَقُلْتُ لَهُ: أَقَبَلَ الْمَائِدَةَ أَمْ بَعْدَ الْمَائِدَةِ؟ قَالَ: مَا أَسْلَمْتُ إِلَّا بَعْدَ الْمَائِدَةِ].
تخريج: [إسناده حسن] تقدم: ٩٤.

Comments:

Some people, due to the Verse of *Sūrat Al-Mā'idah* about ablution, are uncertain that perhaps wiping over the leather socks is not correct, because the Verse of ablution commands that the feet should be washed. But this *Ḥadīth* is decisive regarding this issue that the Prophet ﷺ used to wipe over the leather socks even after the commandment of washing the feet had been revealed. So the rule of wiping over the socks is established and not abrogated. See no. 94

612. [(Another chain) from Khālīd bin Ziyād^[2] with similar. (*Hasan*)

٦١٢ - [حَدَّثَنَا مُحَمَّدُ بْنُ حُمَيْدٍ الرَّازِيُّ

[1] Wiping over the footwear during *Wuḍū'*.

[2] He is one of the narrators in the previous *Ḥadīth*.

Abū 'Eīsā said: This *Hadīth* is *Gharīb*, we do not know of its like but from the narration of Muqātil bin Ḥayyān, from *Shahr bin Hawshab*.

قَالَ: حَدَّثَنَا نَعِيمُ بْنُ مَيْسَرَةَ النَّحْوِيُّ عَنْ خَالِدِ بْنِ زِيَادٍ نَحْوَهُ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ، لَا نَعْرِفُهُ مِثْلَ هَذَا إِلَّا مِنْ حَدِيثِ مُقَاتِلِ بْنِ حَيَّانَ عَنْ شَهْرِ بْنِ حَوْشَبٍ.

تخريج: [حسن] انظر الحديث السابق.

Chapter 78. What Has Been Mentioned About The Permission For The Sexually Impure (*Junub*) Person To Eat And Sleep When He Performs *Wuḍū'*

(المعجم ٧٨) - بَابُ مَا ذَكَرَ فِي

الرُّخْصَةِ لِلْجُنُبِ فِي الْأَكْلِ وَالنَّوْمِ إِذَا تَوَضَّأَ (التحفة ٣١٤)

613. 'Ammār narrated: "The Prophet ﷺ permitted the *Junub* when he wanted to eat, drink, or sleep, to perform *Wuḍū'* like the *Wuḍū'* for *Ṣalāt*." (*Da'if*)

Abū 'Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

٦١٣ - حَدَّثَنَا هَذَا: حَدَّثَنَا قَبِيصَةُ عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ عَطَاءِ الْخُرَّاسَانِيِّ، عَنْ يَحْيَى بْنِ يَعْمَرَ، عَنْ عَمَّارٍ: أَنَّ النَّبِيَّ ﷺ رَخَّصَ لِلْجُنُبِ إِذَا أَرَادَ أَنْ يَأْكُلَ أَوْ يَشْرَبَ أَوْ يَنَامَ أَنْ يَتَوَضَّأَ وَضُوءَهُ لِلصَّلَاةِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الطهارة، باب من قال الجنب يتوضأ، ح: ٢٢٥ من حديث حماد بن سلمة به وسنده ضعيف وحديث مسلم، ح: ٢٢/٣٠٥ ويغني عنه وهذا للاستحباب، انظر نيل المقصود، ح: ٢٢٢.

Comments:

The *Ummah* is unanimously agreed that it is better and more virtuous for a sexually impure person to take a bath before eating, drinking and sleeping. However eating drinking and sleeping without taking a bath is allowed, and the ritual ablution (of prayer) is necessary for eating and drinking. The ritual ablution of prayer is necessary prior to sleep, said some *A'immah*, but according to the majority of scholars this commandment is on the basis of desirability, not compulsory. (*Tuḥfat Al-Aḥwadhī*: 1/416)

Chapter 79. What Has Been Mentioned About The Virtue Of The *Ṣalāt*

614. Ka'b bin 'Ujrah narrated: "The Messenger of Allāh ﷺ said to me: 'I seek refuge in Allāh for you O Ka'b bin 'Ujrah from leaders that will be after me. Whoever comes to their doors to approve of their lies and supports them in their oppression, then he is not of me and I am not of him, and he will not meet me at the *Hawḍ*. And whoever comes to their doors, or he does not come, and he does not approve of their lies and he does not support them in their oppression, then he is from me and I am from him, and he will meet me at the *Hawḍ*. O Ka'b bin 'Ujrah! *Ṣalāt* is a clear proof, and *Ṣaum* (fasting) is an impregnable shield, and *Ṣadaqah* (charity) extinguishes sins just as water extinguishes fire. O Ka'b bin 'Ujrah! There is no flesh raised that sprouts from the unlawful except that the Fire is more appropriate for it.'" (*Hasan*)

Abū 'Eīsā said: This *Ḥadīth* is *Ḥasan Gharīb*, we do not know of it from this route (except from the narration of 'Ubaidullāh bin Mūsā. Ayyūb bin 'Ā'idh Aṭ-Ṭā'ī was graded weak, and they said that he held the views of *Iṛjā*). I asked Muḥammad about this *Ḥadīth* and he did not know of it except as a narration of 'Ubaidullāh bin Mūsā and he considered it very much *Gharīb*.

(المعجم ٧٩) - بَابُ مَا ذُكِرَ فِي فَضْلِ الصَّلَاةِ (التحفة ٣١٥)

٦١٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ أَبِي زَيْدٍ [الْقَطَوَانِيُّ الْكُوفِيُّ]: حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى: حَدَّثَنَا غَالِبُ أَبُو بَشِيرٍ عَنْ أَيُّوبَ بْنِ عَائِدِ الطَّائِيِّ، عَنْ قَيْسِ بْنِ مُسْلِمٍ، عَنْ طَارِقِ ابْنِ شِهَابٍ، عَنْ كَعْبِ بْنِ عُجْرَةَ قَالَ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «أُعِيذُكَ بِاللَّهِ يَا كَعْبُ بْنُ عُجْرَةَ مِنْ أُمَرَاءَ يَكُونُونَ مِنْ بَعْدِي، فَمَنْ غَشِيَ أَبْوَابَهُمْ فَصَدَّقَهُمْ فِي كَذِبِهِمْ وَأَعَانَهُمْ عَلَى ظُلْمِهِمْ فَلَيْسَ مِنِّي وَلَسْتُ مِنْهُ، وَلَا يَرُدُّ عَلَيَّ الْحَوْضُ، وَمَنْ غَشِيَ أَبْوَابَهُمْ أَوْ لَمْ يَغْشَ فَلَمْ يُصَدِّقْهُمْ فِي كَذِبِهِمْ وَلَمْ يُعِنْهُمْ عَلَى ظُلْمِهِمْ فَهُوَ مِنِّي وَأَنَا مِنْهُ، وَسِيرِدُ عَلَيَّ الْحَوْضُ، يَا كَعْبُ بْنُ عُجْرَةَ! الصَّلَاةُ بُرْهَانٌ، وَالصَّوْمُ جُنَّةٌ حَصِينَةٌ، وَالصَّدَقَةُ تُطْفِئُ الْخَطِيئَةَ كَمَا يُطْفِئُ الْمَاءُ النَّارَ، يَا كَعْبُ بْنُ عُجْرَةَ، إِنَّهُ لَا يَرُوبُ لَحْمٌ نَبَتَ مِنْ سُحْتٍ إِلَّا كَانَتْ النَّارُ أَوْلَى بِهِ».

قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ لَا نَعْرِفُهُ مِنْ هَذَا الْوَجْهِ [إِلَّا مِنْ حَدِيثِ عُبَيْدِ اللَّهِ بْنِ مُوسَى. وَأَيُّوبُ بْنُ عَائِدِ الطَّائِيِّ يُضَعَّفُ وَيُقَالُ: كَانَ يَرَى رَأْيَ الْإِزْجَاءِ]. وَسَأَلْتُ مُحَمَّدًا عَنْ هَذَا الْحَدِيثِ فَلَمْ يَعْرِفْهُ إِلَّا مِنْ حَدِيثِ عُبَيْدِ اللَّهِ بْنِ مُوسَى وَاسْتَعْرَبَهُ جِدًّا.

تخريج: [إسناده حسن] وأخرجه الطبراني: ١٩/١٠٥، ١٠٦، ح: ٢١٢ من حديث عبدالله بن أبي زياد وانظر، ح: ٢٢٥٩ وللحديث شواهد عند ابن حبان، ح: ١٥٦٩، ١٥٧٠ والحاكم: ٤٢٢/٤ وغيرهما.

615. Muḥammad said: “Ibn Numair narrated to us from ‘Ubaidullāh bin Mūsā, from Ghālib” with this (*Ḥadīth*). (*Ḥasan*)

٦١٥ - وَقَالَ مُحَمَّدٌ: حَدَّثَنَا ابْنُ نُمَيْرٍ عَنْ عُبَيْدِ اللَّهِ بْنِ مُوسَى، عَنْ غَالِبٍ بِهَذَا.
تخريج: [إسناده حسن] انظر الحديث السابق.

Comments:

‘Allāmah Aḥmad Muḥammad Shākir quoted various authentic *Aḥādīth* in support of this *Ḥadīth*. (*Jāmi‘ At-Tirmidhi*: 2/514, 515]

Chapter 80. Something Else About That

616. Sulaim bin ‘Āmir narrated: “I heard Abū Umāmah saying: I heard the Messenger of Allāh ﷺ giving a *Khuṭbah* during the Farewell *Hajj*, and he said: ‘Have *Taqwā* of your Lord, and pray your five (prayers), and fast your month, and pay the *Zakāt* on your wealth, and obey those who are in charge of you, you will enter the Paradise of your Lord.” He said: “I said to Abū Umāmah: ‘How old were you when you heard this *Ḥadīth* (from the Messenger of Allāh ﷺ)?’ He said: ‘I heard it when I was thirty years old.’” (*Ḥasan*)

Abū ‘Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

(المعجم ٨٠) - يَابُ مِنْهُ (التحفة ٣١٦)

٦١٦ - حَدَّثَنَا مُوسَى بْنُ عَبْدِ الرَّحْمَنِ [الْكِنْدِيُّ] الْكُوفِيُّ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ: حَدَّثَنَا مُعَاوِيَةُ بْنُ صَالِحٍ: حَدَّثَنِي سُلَيْمُ بْنُ عَامِرٍ قَالَ: سَمِعْتُ أَبَا أُمَامَةَ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَخْطُبُ فِي حَجَّةِ الْوَدَاعِ فَقَالَ: «اتَّقُوا اللَّهَ رَبَّكُمْ، وَصَلُّوا خَمْسَكُمْ، وَصُومُوا شَهْرَكُمْ، وَأَدُّوا زَكَاةَ أَمْوَالِكُمْ وَأَطِيعُوا ذَا أَمْرِكُمْ، تَدْخُلُوا جَنَّةَ رَبِّكُمْ» قَالَ: قُلْتُ لِأَبِي أُمَامَةَ: مُنْذُ كَمْ سَمِعْتُ [مِنْ رَسُولِ اللَّهِ ﷺ] هَذَا الْحَدِيثَ؟ قَالَ: سَمِعْتُهُ وَأَنَا ابْنُ ثَلَاثِينَ سَنَةً.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: [إسناده حسن] وأخرجه أحمد: ٥/٢٥١ عن زيد بن حباب به وصححه ابن حبان، ح: ٧٩٥ والحاكم: ٩/١ على شرط مسلم ووافقه الذهبي وله طرق عند أحمد: ٥/٢٦٢ وغيره.

Comments:

In this *Ḥadīth*, the prayer and the month of Ramaḍān are attributed to the people because it is they who attain the reward and virtuousness of prayer and fasting.

In the Name of Allāh,
the Merciful, the Beneficent

[بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ]

The Chapters On Zakāt^[1] From The Messenger of Allāh ﷺ

(المعجم ٥) أَبْوَابُ الزَّكَاةِ
عن رسول الله ﷺ (التحفة ٣)

Chapter 1. What Has Been Related From The Messenger of Allāh ﷺ About The Severe Warning Against Withholding Zakāt

(المعجم ١) - بَابُ مَا جَاءَ عَنْ رَسُولِ
اللَّهِ ﷺ فِي مَنَعِ الزَّكَاةِ مِنَ التَّشْدِيدِ
(التحفة ١)

617. Abū Dharr narrated: "I came to the Messenger of Allāh ﷺ while he was sitting in the shade of the Ka'bah." He said: "He saw me approaching and he said: 'They are lost on the Day of Judgement! By the Lord of the Ka'bah!'" He said: "I said to myself: Woe is me! Perhaps something has been revealed about me!" He said: "So I said: 'Who are they, and may my father and mother be ransomed for you.' So the Messenger of Allāh ﷺ said: 'They are those who have much,^[2] except for who says like this, and this, and this and motioned with his hand to his front, and to his right, and to his left.' Then he said: 'By the One in Whose Hand is my soul! No man will die, leaving a camel or a cow that he did not pay Zakāt on, except that it will come on the Day

٦١٧ - حَدَّثَنَا هَذَا بْنُ السَّرِيِّ [التَّمِيمِيُّ
الْكُوفِيُّ]: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ،
عَنِ [الْمَعْرُورِ بْنِ سُوَيْدٍ، عَنْ أَبِي ذَرٍّ قَالَ:
جِئْتُ إِلَى رَسُولِ اللَّهِ ﷺ وَهُوَ جَالِسٌ فِي ظِلِّ
الْكَعْبَةِ، قَالَ: فَرَأَيْتُ مُقْبِلًا فَقَالَ: «هُمْ
الْأَخْسَرُونَ وَرَبُّ الْكَعْبَةِ يَوْمَ الْقِيَامَةِ»، قَالَ:
فَقُلْتُ: مَا لِي لَعَلَّهُ أَنْزَلَ فِيَّ شَيْءٌ، قَالَ: قُلْتُ:
مَنْ هُمْ فِذَاكَ أَبِي وَأُمِّي؟ فَقَالَ رَسُولُ اللَّهِ ﷺ:
«هُمْ الْأَكْثَرُونَ إِلَّا مَنْ قَالَ هَكَذَا وَهَكَذَا
وَهَكَذَا، فَحَنَّا بَيْنَ يَدَيْهِ وَعَنْ يَمِينِهِ وَعَنْ
شِمَالِهِ، ثُمَّ قَالَ: «وَالَّذِي نَفْسِي بِيَدِهِ! لَا يَمُوتُ
رَجُلٌ قَدِيعٌ إِلَّا أَوْ يَفْرَأَ لَمْ يُؤَدِّ زَكَاتَهَا إِلَّا جَاءَتْهُ
يَوْمَ الْقِيَامَةِ أَعْظَمَ مَا كَانَتْ وَأَسْمَنَهُ تَطَوُّهُ
بِأَخْفَافِهَا وَتَنْطَحُهُ بِقُرُونِهَا كُلَّمَا نَفِثَتْ أُخْرَاهَا
عَادَتْ عَلَيْهِ أَوْ لَاهَا حَتَّى يُفْضَى بَيْنَ النَّاسِ».

^[1] Zakāt literally means augmentations and increase it also means purification, praise and righteousness. The due amount paid on wealth is called "Zakāt" because it increases the wealth in blessing and purifies the giver. It is an obligation due on particular types of properties and given to specific categories of Muslims at a specific time.

^[2] "Those who have much wealth" according to *Al-Bukhārī* and *Muslim*.

of Judgement larger and fatter than it was, they will tread him under their hooves and butt him with their horns, all of them; such that when the last of them has had a turn, the first returns to him, until he is judged before the people.” (Ṣaḥīḥ)

There is something on this topic from Abū Hurairah that is similar. And from ‘Alī bin Abī Tālib, may Allāh be pleased with him: “Cursed is the one who withholds Ṣadaqah”^[1] and (from) Qabīṣah bin Hulb from his father, and from Jābir bin ‘Abdullāh, and ‘Abdullāh bin Mas‘ūd.

Abū ‘Eisā said: The *Ḥadīth* of Abū Dharr is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

Abū Dharr’s name is Jundab bin As-Sakan, and they say it is Ibn Junādah.

(Another chain) that Aḍ-Ḍaḥḥāk bin Al-Muzāḥim said: “Those who have much’ refers to those who have tens of thousands.”

[He said: ‘Abdullāh bin Munīr is Marwazī^[2] and he is a righteous man.]

تخریج: متفق علیه، وأخرجه مسلم، باب تغلیظ عقوبة من لا يؤدي الزكاة، ح: ۹۹۰ من حدیث أبي معاوية الضرير والبخاري، ح: ۱۴۶۰ من حدیث الأعمش به * وفي الباب عن أبي هريرة [البخاري، ح: ۱۴۰۲ ومسلم، ح: ۹۸۷] وعلي بن أبي طالب [الخطيب في تاريخ بغداد: ۳۰۹، ۳۰۸/۵ وسنده موضوع] وقبيصة بن هلب عن أبيه [أحمد: ۲۲۷/۵] وجابر بن عبدالله [مسلم، ح: ۹۸۸] وعبدالله بن مسعود [يأتي: ۳۰۱۲] * أثر الضحاك بن مزاحم، سنده ضعيف، الثوري عنعن.

Comments:

One meaning of *Zakāt* is purifying and cleansing and the other meaning is refinement, increase and growth. This applies to the obligatory and voluntary charity, household and other living expenses, and fulfillment of financial obligations. It also applies to the things that are more than what is needed.

[1] The meaning of *Ṣadaqah* here, and in subsequent chapters, is *Zakāt*.

[2] A narrator for the statement of Aḍ-Ḍaḥḥāk.

وفي الباب عن أبي هريرة مثله. وعن علي بن أبي طالب رضي الله عنه: لعن مانع الصدقة [عن] قبيصة بن هلب، عن أبيه، وجابر بن عبد الله وعبد الله بن مسعود. قال أبو عيسى: حديث أبي ذر حديث حسن صحيح.

واسم أبي ذر جندب بن السكن، ويقال ابن جنادة.

حدثنا عبد الله بن منيّر عن عبيد الله بن موسى، عن شفيان الثوري، عن حكيم بن الذئلم، عن الضحاك بن مزاحم قال: الأثرون أصحاب عشرة آلاف.

[قال: وعبد الله بن منيّر مروزي رجل صالح].

Chapter 2. What Has Been Related About: When You Pay The *Zakāt* You Have Fulfilled What Is Required Of You

(المعجم ٢) - بَابُ مَا جَاءَ إِذَا أُدِّيَتْ
الزَّكَاةُ فَقَدْ قُضِيََتْ مَا عَلَيْكَ (التحفة ٢)

618. Abū Hurairah narrated that the Prophet ﷺ said: "When you pay the *Zakāt* you have fulfilled what is required of you." (*Hasan*)

Abū 'Eīsā said: This *Hadīth* is *Hasan Gharib*. It has been reported from more than one route that the Prophet ﷺ mentioned the *Zakāt*, and a man said: "O Messenger of Allāh! Is there anything else required from me?" So he said: "No. Except for what is voluntary."

Ibn Hujairah (one of the narrators) is 'Abdur-Raḥmān bin Hujairah Al-Baṣrī.

٦١٨ - حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ الشَّيْبَانِيُّ [البَصْرِيُّ]: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهَبٍ: أَخْبَرَنَا عَمْرُو بْنُ الْحَارِثِ عَنْ دَرَّاجٍ، عَنِ ابْنِ حُجَيْرَةَ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «إِذَا أُدِّيَتْ زَكَاةُ مَالِكَ فَقَدْ قُضِيََتْ مَا عَلَيْكَ». قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ، وَقَدْ رُوِيَ عَنِ النَّبِيِّ ﷺ مِنْ غَيْرِ وَجْهٍ أَنَّهُ ذَكَرَ الزَّكَاةَ، فَقَالَ رَجُلٌ: يَا رَسُولَ اللَّهِ هَلْ عَلَيَّ غَيْرُهَا؟ فَقَالَ: «لَا، إِلَّا أَنْ تَطَوَّعَ». وَابْنُ حُجَيْرَةَ هُوَ عَبْدُ الرَّحْمَنِ بْنُ حُجَيْرَةَ الْبَصْرِيُّ.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، الزكاة، باب ما أدي زكاته ليس بكنز، ح: ١٧٨٨ من حديث عمرو بن الحارث به ودراج حسن الحديث عن غير أبي الهيثم، والحديث صححه ابن خزيمة، ح: ٢٤٧١ وابن حبان، ح: ٧٩٧ والحاكم: ٣٩٠/١ والذهبي وزاد ابن حبان: "ومن جمع مالا حراما ثم تصدق به لم يكن له فيه أجر، وكان إصره عليه".

Comments:

It is proven from this *Hadīth* that the obligation of wealth due from a person is only *Zakāt*; no other compulsory duty is due on the wealth except *Zakāt*. Financial obligations and responsibilities other than *Zakāt* are not because of wealth, instead they are due because of other reasons; like due because of family and other close relations, because of marriage, or the payment of *Zakātul-Fiṭr* at the end of the month of Ramaḍan. (*Tuḥfat Al-Aḥwadhī*: 2/2)

619. Anas narrated: "We used to hope that an intelligent Beduoin would show up to question the Prophet ﷺ while we were with him. So once while we were with him, a Beduoin came, kneeling in

٦١٩ - حَدَّثَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ الْحَمِيدِ الْكُوفِيُّ: حَدَّثَنَا سُلَيْمَانُ ابْنُ الْمُغِيرَةِ عَنْ ثَابِتٍ، عَنْ أَنَسٍ قَالَ: كُنَّا نَتَمَنَّى أَنْ يَبْتَدِيَ الْأَعْرَابِيُّ الْعَاقِلُ فَيَسْأَلَ النَّبِيَّ

front of the Prophet ﷺ, and he said: 'O Muḥammad, your messenger came to us and told us that you say that Allāh sent you.' So the Prophet ﷺ said: 'Yes.' He said, 'So, (swear) by the One who raised the heavens, and spread out the earth, and erected the mountains; has Allāh sent you?' The Prophet ﷺ said, 'Yes.' He said: 'Your messenger told us that you say that there are five prayers required from us in a day and a night.' The Prophet ﷺ said, 'Yes.' He said, 'By the One Who sent you, has Allāh ordered that for you?' He said, 'Yes.' He said, 'Your messenger told us that you say that we are required to fast for a month out of the year.' He said, 'He told the truth.' He said, 'By the One Who sent you, has Allāh ordered that for you?' The Prophet ﷺ said, 'Yes.' He said, 'Your messenger told us that Zakāt is obligatory from our wealth.' The Prophet ﷺ said, 'He told the truth.' He said, 'By the One Who sent you, has Allāh ordered you that?' The Prophet ﷺ said, 'Yes.' He said, 'Your messenger told us that you say that we are required to perform Hajj to Allāh's House if able to undertake the journey.' The Prophet ﷺ said, 'Yes.' He said, 'By the One Who sent you, has Allāh Commanded you that?' (The Prophet ﷺ said:) 'Yes.' So he said: 'By the One Who sent you with the Truth, I will not leave any of them, nor surpass them.' Then he got up quickly (leaving). The Prophet ﷺ

ﷺ وَنَحْنُ عِنْدَهُ، فَبَيْنَا نَحْنُ كَذَلِكَ إِذْ أَنَا أَعْرَابِيٌّ فَجَنَّا بَيْنَ يَدَيِ النَّبِيِّ ﷺ فَقَالَ: يَا مُحَمَّدُ إِنَّ رَسُولَكَ أَنَا فَزَعَمَ لَنَا أَنَّكَ تَزْعُمُ أَنَّ اللَّهَ أَرْسَلَكَ، فَقَالَ النَّبِيُّ ﷺ: «نَعَمْ» قَالَ: فَبِالَّذِي رَفَعَ السَّمَاءَ، وَبَسَطَ الْأَرْضَ، وَنَصَبَ الْجِبَالَ اللَّهُ أَرْسَلَكَ؟ فَقَالَ النَّبِيُّ ﷺ: «نَعَمْ» قَالَ: فَإِنَّ رَسُولَكَ زَعَمَ لَنَا أَنَّكَ تَزْعُمُ أَنَّ عَلَيْنَا خَمْسَ صَلَوَاتٍ فِي الْيَوْمِ وَاللَّيْلَةِ، فَقَالَ النَّبِيُّ ﷺ: «نَعَمْ» قَالَ: فَبِالَّذِي أَرْسَلَكَ اللَّهُ أَمَرَكَ بِهَذَا؟ قَالَ: «نَعَمْ» قَالَ: فَإِنَّ رَسُولَكَ زَعَمَ لَنَا أَنَّكَ تَزْعُمُ أَنَّ عَلَيْنَا صَوْمَ شَهْرٍ فِي السَّنَةِ فَقَالَ النَّبِيُّ ﷺ: «صَدَقَ» قَالَ: فَبِالَّذِي أَرْسَلَكَ اللَّهُ أَمَرَكَ بِهَذَا؟ قَالَ النَّبِيُّ ﷺ: «نَعَمْ» قَالَ: فَإِنَّ رَسُولَكَ زَعَمَ لَنَا أَنَّكَ تَزْعُمُ أَنَّ عَلَيْنَا فِي أَمْوَالِنَا الزَّكَاةَ فَقَالَ النَّبِيُّ ﷺ: «صَدَقَ» قَالَ: فَبِالَّذِي أَرْسَلَكَ اللَّهُ أَمَرَكَ بِهَذَا؟ قَالَ النَّبِيُّ ﷺ: «نَعَمْ» قَالَ: إِنَّ رَسُولَكَ زَعَمَ لَنَا أَنَّكَ تَزْعُمُ أَنَّ عَلَيْنَا الْحَجَّ إِلَى بَيْتِ اللَّهِ مِنْ اسْتَطَاعَ إِلَيْهِ سَبِيلًا، فَقَالَ النَّبِيُّ ﷺ: «نَعَمْ»، قَالَ: فَبِالَّذِي أَرْسَلَكَ اللَّهُ أَمَرَكَ بِهَذَا؟ فَقَالَ [النَّبِيُّ ﷺ]: «نَعَمْ»، فَقَالَ: وَالَّذِي بَعَثَكَ بِالْحَقِّ لَا أَدْعُ مِنْهُمْ شَيْئًا وَلَا أَجَاوِزُهُمْ، ثُمَّ وَتَبَ، فَقَالَ النَّبِيُّ ﷺ: «إِنْ صَدَقَ الْأَعْرَابِيُّ دَخَلَ الْجَنَّةَ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ، وَقَدْ رَوَى مِنْ غَيْرِ هَذَا الْوَجْهِ عَنْ أَنَسٍ عَنِ النَّبِيِّ ﷺ.

said: 'If the Beduoin told the truth, then he will enter Paradise.'"

(*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Ḥadīth* is *Ḥasan Gharīb* from this route. It has been reported from Anas, from the Prophet ﷺ, from routes other than this.

I heard Muḥammad bin Ismā'il saying, "Some of the people of knowledge said: 'It is understood from this *Ḥadīth* that reading before the scholar or reciting before him is allowed just like listening.' And the proof is that the Beduoin recited before the Prophet ﷺ, and the Prophet ﷺ approved of it."

تخريج: متفق عليه، وأخرجه البخاري، العلم، باب القراءة والعرض على المحدث، ح: ٦٣ من حديث علي بن عبد الحميد تعليقاً ومسلم، ح: ١٢ من حديث سليمان بن المغيرة به.

Comments:

It is proven from this *Ḥadīth* that this Bedouin came when the four practical pillars of Islam (*Ṣalāt, Zakāt, Ṣaum and Ḥajj*) had been divinely legislated.

Chapter 3. What Has Been Related About The Zakāt On Gold And Silver

(المعجم ٣) - بَابُ مَا جَاءَ فِي زَكَاةِ الذَّهَبِ وَالْوَرَقِ (التحفة ٣)

620. 'Alī narrated that the Messenger of Allāh ﷺ said: "I have exempted charity on horses and slaves. So bring charity for silver,^[1] one Dirham for every forty Dirham. There is nothing for me (to collect) on one hundred and ninety Dirham, so when it reaches two hundred, then five Dirham of it (are due)." (*Da'if*)

٦٢٠ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنُ أَبِي الشَّوَارِبِ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ أَبِي إِسْحَاقَ، عَنْ عَاصِمِ بْنِ ضَمْرَةَ، عَنْ عَلِيٍّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «قَدْ عَفَوْتُ، عَنْ صَدَقَةِ الْخَيْلِ وَالرَّقِيقِ فَهَاتُوا صَدَقَةَ الرِّقَةِ مِنْ كُلِّ أَرْبَعِينَ دِرْهَمًا دِرْهَمًا، وَلَيْسَ لِي فِي تِسْعِينَ وَمِائَةِ شَيْءٍ فَإِذَا بَلَغَتْ مِائَتَيْنِ فَفِيهَا خُمُسُهُ دَرَاهِمٌ».

[1] *Ar-Riqah* is coined silver Dirham, and it may also refer to pure silver even uncoined. See *Tuhfat Al-Ahwadhī*.

There are narrations on this topic from Abū Bakr Aṣ-Ṣiddīq, and ‘Umar bin Ḥazm.

Abū ‘Eīsā said: This *Ḥadīth* was reported by Al-A‘maṣh, Abū ‘Awānah and others, from Abū Ishāq, from ‘Āṣim bin Ḍamrah, from ‘Alī. Sufyān Ath-Thawrī, Ibn ‘Uyainah and others reported it from Abū Ishāq from Al-Ḥārith, from ‘Alī.

He said: I asked Muḥammad bin Ismā‘īl about this *Ḥadīth*, he said: “To me, both of the two chains from Abū Ishāq are authentic.” This (saying of Muḥammad bin Ismā‘īl Al-Bukhārī) implies that Abū Ishāq had narrated the *Ḥadīth* from both (‘Āṣim ibn Ḍamrah and Al-Ḥārith).

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الزكاة، باب: في زكاة السائمة، ح: ١٥٧٤ من حديث أبي عوانة الوضاح بن عبدالله به وصححه البخاري وابن خزيمة، ح: ٢٢٨٤ وغيرهما، أبو إسحاق عنعن، ورواه شعبة عن أبي إسحاق كما قال أبو داود به موقوفاً * حديث أبي بكر (لعله يشير إلى حديث البخاري: ١٤٥٤) عمرو بن حزم (النسائي: ٤٨٥٧).

Comments:

In these days, the paper currency is in vogue in place of the Dirham and Dīnār. Generally in the *Marfū’ Ahādīth*, the silver is used as the minimum amount (*Nisāb*) on which *Zakāt* is levied, therein is also the benefit of the poor. So most people of knowledge think that *Zakāt* becomes due on the value of two hundred Dirham. But some people view that a person who owns two hundred Dirham is not regarded a rich or wealthy person, rather he is still a destitute; therefore the minimum amount (*Nisāb*) should be equal to the value of gold (85 grams) on which *Zakāt* is levied. Regarding horses and slaves, see no. 628. See also nos. 626 and 627.

Chapter 4. What Has Been Related About Zakāt On Camels and Sheep

621. Az-Zuhri narrated from Sālim from his father: “The Messenger of Allāh ﷺ had a letter written about charity, but he had not dispatched it to his governors until he died; he

وفي الباب عن أبي بكر الصديق وعمرو ابن حزم.
قَالَ أَبُو عِيسَى: رَوَى هَذَا الْحَدِيثَ الْأَعْمَشُ وَأَبُو عَوَانَةَ وَغَيْرُهُمَا عَنْ أَبِي إِسْحَاقَ، عَنْ عَاصِمِ بْنِ ضَمْرَةَ، عَنْ عَلِيٍّ. وَرَوَى سُفْيَانُ الثَّوْرِيُّ وَابْنُ عُيَيْنَةَ وَغَيْرُ وَاحِدٍ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْحَارِثِ، عَنْ عَلِيٍّ قَالَ: وَسَأَلْتُ مُحَمَّدَ بْنَ إِسْمَاعِيلَ، عَنْ هَذَا الْحَدِيثِ فَقَالَ: كِلَاهُمَا عِنْدِي صَحِيحٌ، عَنْ أَبِي إِسْحَاقَ، يُحْتَمَلُ أَنْ يَكُونَ [رَوَى] عَنْهُمَا جَمِيعًا.

(المعجم ٤) - بَابُ مَا جَاءَ فِي زَكَاةِ الْإِبِلِ وَالْغَنَمِ (التحفة ٤)

٦٢١ - حَدَّثَنَا زِيَادُ بْنُ أَيُّوبَ الْبَغْدَادِيُّ وَإِبْرَاهِيمُ بْنُ عَبْدِ اللَّهِ الْهَرَوِيُّ وَمُحَمَّدُ بْنُ كَامِلٍ الْمَرْوَرِيُّ - الْمَعْنَى وَاحِدٌ - قَالُوا:

kept it with him along with his sword. When he died, Abū Bakr implemented it until he died, as did ‘Umar until he died. In it was: ‘A sheep (is due) on five camels, two sheep on ten, three sheep on fifteen, four sheep for twenty, a *Bint Makhād*^[1] on twenty-five to thirty-five. When it is more than that, then a *Bint Labūn*,^[2] (is due, till the number of the camels reaches) forty-five. When it is more than that, then a *Hiqqah*^[3] until sixty. When it is more than that, then a *Jadhah*^[4] until seventy-five. When it is more than that, then two *Bint Labūn* until ninety. When it is more than that, then two *Hiqqah* until one hundred and twenty. When it is more than one hundred and twenty, then a *Hiqqah* on every fifty, and a *Bint Labūn* on every forty. For sheep; one sheep (is due) for every forty sheep until one hundred and twenty. When it is more than that, then two sheep until two hundred. When it is more than that, then three sheep until three hundred sheep. When it is more than three hundred sheep, then a sheep on every hundred sheep. Then there is nothing until it reaches four hundred. There is no combining the (property of) individuals nor separating the collective (property) fearing *Sadaqah*. And for whatever is mixed together that two own, then they

حَدَّثَنَا عَبْدُ بْنُ الْعَوَّامِ عَنْ سُفْيَانَ بْنِ حُسَيْنٍ،
عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ أَنَّ رَسُولَ
اللَّهِ ﷺ كَتَبَ كِتَابَ الصَّدَقَةِ فَلَمْ يُخْرِجْهُ إِلَى
عَمَالِهِ حَتَّى قُضِيَ فَقَرَنَهُ بِسِنِّيهِ، فَلَمَّا قُضِيَ
عَمِلَ بِهِ أَبُو بَكْرٍ حَتَّى قُضِيَ، وَعُمِرَ حَتَّى
قُضِيَ، وَكَانَ فِيهِ «فِي خَمْسٍ مِنَ الْإِبِلِ شَاةٌ،
وَفِي عَشْرِ شَاتَانِ، وَفِي خَمْسٍ عَشْرَةَ ثَلَاثَ
شَيَآءٍ، وَفِي عَشْرِينَ أَرْبَعُ شَيَآءٍ، وَفِي خَمْسٍ
وَعَشْرِينَ بِنْتُ مَخَاضٍ إِلَى خَمْسٍ وَثَلَاثِينَ،
فَإِذَا زَادَتْ فَفِيهَا بِنْتُ لَبُونٍ إِلَى خَمْسٍ
وَأَرْبَعِينَ، فَإِذَا زَادَتْ فَفِيهَا حِقَّةٌ إِلَى سِتِّينَ،
فَإِذَا زَادَتْ فَفِيهَا جَذَعَةٌ إِلَى خَمْسٍ وَسَبْعِينَ،
فَإِذَا زَادَتْ فَفِيهَا ابْنَتَا لَبُونٍ إِلَى تِسْعِينَ، فَإِذَا
زَادَتْ فَفِيهَا حِقَّتَانِ إِلَى عَشْرِينَ وَمِائَةٍ، فَإِذَا
زَادَتْ عَلَى عَشْرِينَ وَمِائَةٍ فَفِي كُلِّ خَمْسِينَ
حِقَّةٌ، وَفِي كُلِّ أَرْبَعِينَ شَاةٌ لَبُونٍ، وَفِي الشَّاءِ
فِي كُلِّ أَرْبَعِينَ شَاةٌ شَاةٌ إِلَى عَشْرِينَ وَمِائَةٍ،
فَإِذَا زَادَتْ فَشَاتَانِ إِلَى مِائَتَيْنِ، فَإِذَا زَادَتْ
فثَلَاثُ شَيَآءٍ إِلَى ثَلَاثِمِائَةٍ شَاةٌ، فَإِذَا زَادَتْ
عَلَى ثَلَاثِمِائَةٍ شَاةٌ فَفِي كُلِّ مِائَةٍ شَاةٌ شَاةٌ، ثُمَّ
لَيْسَ فِيهَا شَيْءٌ حَتَّى تَبْلُغَ أَرْبَعَمِائَةٍ وَلَا يُجْمَعُ
بَيْنَ مُتَفَرِّقٍ وَلَا يُفَرَّقُ بَيْنَ مُجْتَمِعٍ مَخَافَةَ
الصَّدَقَةِ.

وَمَا كَانَ مِنْ خَلِيطَيْنِ فَإِنَّهُمَا يَتَرَاجَعَانِ

[1] A female camel of one year.

[2] A two year old female camel.

[3] A three year old female camel.

[4] A four year old female camel.

are to refer to the total. Neither an old or defective (animal) may be taken for charity.”^[1] (*Hasan*)

Az-Zuhrī said: “When the charity collector comes, he divides the sheep into three: The choicest in one-third, the average in one third, and the worst in one third. Then the charity collector takes from the average.” And Az-Zuhrī did not mention cows.

There are narrations on this topic from Abū Bakr Aṣ-Ṣiddīq, Bahz bin Ḥakīm from his father, from his grandfather; and, from Abū Dharr and Anas.

Abū ‘Eisā said: The *Ḥadīth* of Ibn ‘Umar is a *Hasan Ḥadīth*. This *Ḥadīth* is acted upon according to the *Fuqahā’* in general. Yunus bin Yazīd and others reported this *Ḥadīth* from Az-Zuhrī, from Sālim, and they did not narrate it in *Marfū’* form. It was only narrated as *Marfū’* by Sufyān bin Ḥusain.

بِالسَّوِيَّةِ، وَلَا يُؤْخَذُ فِي الصَّدَقَةِ هَرَمَةٌ وَلَا دَاثٌ عَيْبٍ.

وَقَالَ الزُّهْرِيُّ: إِذَا جَاءَ الْمُصَدِّقُ فَسَمَّ الشَّاءَ أَثْلَاثًا: ثُلُثَ خِيَارٍ، وَثُلُثَ أَوْسَاطٍ وَثُلُثَ شِرَارٍ، وَأَخَذَ الْمُصَدِّقُ مِنَ الْوَسْطِ. وَلَمْ يَذْكُرِ الزُّهْرِيُّ الْبَقَر.

وَفِي الْبَابِ عَنْ أَبِي بَكْرٍ الصَّدِيقِ وَبَهْزِ بْنِ حَكِيمٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ وَأَبِي ذَرٍّ وَأَنْسٍ. قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عُمرَ حَدِيثٌ حَسَنٌ، وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ عَامَّةِ الْفُقَهَاءِ، وَقَدْ رَوَى يُونُسُ بْنُ يَزِيدَ وَغَيْرُ وَاحِدٍ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ بِهَذَا الْحَدِيثِ وَلَمْ يَرْفَعُوهُ، وَإِنَّمَا رَفَعَهُ سُفْيَانُ بْنُ حُسَيْنٍ.

تخريج: [حسن] وأخرجه أبو داود، الزكاة، باب: في زكاة السائمة، ح: ١٥٦٨ من حديث عباد بن العوام به وصححه ابن خزيمة، ح: ٢٢٦٧ * سفيان بن حسين تابعه سليمان بن كثير (البهقي: ٨٥/٤) والزهري سمعه من سالم كما في معرفة السنن والآثار للبيهقي: ٣/٢٢٠ * وفي الباب عن أبي بكر الصديق [البخاري، ح: ١٤٥٤] وبهز بن حكيم عن أبيه عن جده [أبو داود، ح: ١٥٧٥] وأبي ذر [أحمد: ١٧٩/٥] وأنس [المستدرک للحاکم: ١/٣٩٢-٣٩٠].

Comments:

‘Separate herds will not be combined and neither the combined herd will be separated fearing *Sadaqah* / *Zakāt*.’ Imām Shāfi’ī said: ‘Fearing *Sadaqah*’ is related to both the owner and the *Zakāt* collector, because the *Zakāt* collector might fear a decrease in the amount due on the property, while the owner fears lest the due amount of *Zakāt* should increase.

[1] See *Al-Bukhārī* nos. 1450-1.

Chapter 5. What Has Been Related About *Zakāt* On Cows

622. ‘Abdullāh bin Mas‘ūd narrated that the Prophet ﷺ said: “A *Tabī*^[1] or a *Tabī’ah* (is due) on thirty cows, and a *Musinnah*^[2] (is due) on every forty.” (*Ḍa‘īf*)

There is a narration on this topic from Mu‘ādh bin Jabal.

This is how it was reported by ‘Abdus-Salām bin Ḥarb from *Khuṣaif*, and ‘Abdus-Salām is trustworthy and has a good memory.

Sharīk reported this *Ḥadīth* from *Khuṣaif*, from Abū ‘Ubaidah, from his father, from ‘Abdullāh, but Abū ‘Ubaidah did not hear (narrations) from his father.

تخریج: [إسناده ضعيف] وأخرجه ابن ماجه، الزكاة، باب صدقة البقر، ح: ١٨٠٤ من حديث عبدالسلام بن حرب به خفيف ضعيف والسند منقطع وللحديث شواهد ضعيفة عند ابن ماجه، ح: ١٨٠٣ وأبي داود، ح: ١٥٧٨ وغيرهما * وفي الباب عن معاذ بن جبل [يأتي: ٦٢٣].

Comments:

Hāfiẓ Ibn Al-Mundhir said, the people of knowledge are agreed that the buffalos come under the rule of cows because a buffalo is a kind of cow as a Bactrian camel is a kind of camels.

623. Mu‘ādh bin Jabal narrated: “The Prophet ﷺ sent me to Yemen and ordered me to collect a *Tabī*’ or a *Tabī’ah* on every thirty cows, a *Musinnah* on every forty, a *Dinār* for every *Hālim*,^[3] or its equivalent of *Ma‘āfir*.^[4]”

(المعجم ٥) - بَابُ مَا جَاءَ فِي زَكَاةِ

الْبَقَرِ (التحفة ٥)

٦٢٢ - حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ الْمُحَارِبِيُّ وَأَبُو سَعِيدٍ الْأَشْجَعُ قَالَا: حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ حَرْبٍ عَنْ خُصَيْفٍ، عَنْ أَبِي عُبَيْدَةَ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ عَنِ النَّبِيِّ ﷺ قَالَ: «فِي ثَلَاثِينَ مِنَ الْبَقَرِ تَبِيعٌ أَوْ تَبِيعَةٌ، وَفِي كُلِّ أَرْبَعِينَ مُسِنَّةٌ». وَفِي الْبَابِ عَنْ مُعَاذِ بْنِ جَبَلٍ.

قَالَ أَبُو عِيسَى: هَكَذَا رَوَى عَبْدُ السَّلَامِ ابْنُ حَرْبٍ عَنْ خُصَيْفٍ. وَعَبْدُ السَّلَامُ ثِقَةٌ حَافِظٌ. وَرَوَى شَرِيكٌ هَذَا الْحَدِيثَ عَنْ خُصَيْفٍ، عَنْ أَبِي عُبَيْدَةَ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ. وَأَبُو عُبَيْدَةَ بْنُ عَبْدِ اللَّهِ لَمْ يَسْمَعْ مِنْ أَبِيهِ.

٦٢٣ - حَدَّثَنَا مُحَمَّدُ بْنُ غِيلَانَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا سُفْيَانُ عَنِ الْأَعْمَشِ، عَنْ أَبِي وَائِلٍ، عَنْ مَسْرُوقٍ، عَنْ مُعَاذِ بْنِ جَبَلٍ قَالَ: بَعَثَنِي النَّبِيُّ ﷺ إِلَى الْيَمَنِ،

[1] A male cow of one year, and a *Tabī’ah* is the female of one year.

[2] A two year old female cow.

[3] “Whoever reached (the age of) discernment such that he would be judged as man, whether he had attained puberty or not, and it means taking the *Jizyah* from those who are not Muslim.” (*Tuhfat Al-Ahwadhī*).

[4] *Ma‘āfir* is the name of a tribe, and here he is referring to a garment that is named after

Abū ‘Eīsā said: This *Ḥadīth* is *Ḥasan*. Some of them reported this *Ḥadīth* from Sufyān, from Al-A‘maṣh, from Abū Wā’il, from Masrūq: “The Prophet ﷺ sent Mu‘ādh to Yemen and ordered him to take...” and this is more authentic. (*Ḍa‘īf*)

فَأَمَرَنِي أَنْ أَخَذَ مِنْ كُلِّ ثَلَاثِينَ بَقْرَةً تَبِعًا أَوْ تَبِيعَةً، وَمِنْ كُلِّ أَرْبَعِينَ مُسِنَّةً، وَمِنْ كُلِّ حَالِمٍ دِينَارًا أَوْ عِدْلَهُ مَعَاوِرَ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ.
وَرَوَى بَعْضُهُمْ هَذَا الْحَدِيثَ عَنْ سُفْيَانَ،
عَنِ الْأَعْمَشِ، عَنْ أَبِي وَائِلٍ، عَنْ مَسْرُوقٍ
أَنَّ النَّبِيَّ ﷺ بَعَثَ مُعَاذًا إِلَى الْيَمَنِ فَأَمَرَهُ أَنْ
يَأْخُذَ وَهَذَا أَصَحُّ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الزكاة، باب: في زكاة السائمة، ح: ١٥٧٦ من حديث الأعمش به ولم أجد تصريح سماعه وقال أبو داود: رواه شعبة عن الأعمش به (ولم أجد) وللحديث شواهد ضعيفة وصححه ابن خزيمة، ح: ٢٢٦٧ وابن حبان، ح: ٧٩٤ والحاكم: ٣٩٨/١ والذهبي وغيرهم.

624. Muḥammad bin Bash-shār (Al-‘Abdī) narrated to us, Muḥammad bin Ja‘far narrated to us, from Shu‘bah, from ‘Amr bin Murrah who said: “I asked Abū ‘Ubaidah bin ‘Abdullāh: ‘Did you remember anything from ‘Abdullāh?’ He said, ‘No.’”^[1] (*Ṣaḥīḥ*)

٦٢٤ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ عَمْرِو بْنِ مُرَّةَ قَالَ: سَأَلْتُ أَبَا عُبَيْدَةَ هَلْ تَذْكُرُ مِنْ عَبْدِ اللَّهِ شَيْئًا؟ قَالَ: لَا.

تخريج: [إسناده صحيح] .

Comments:

Some of the scholars divided *Jizyah* into two categories: A): *Jizyah* which is levied on the non-Muslims with their consent. It has no fixed amount. The ruler will decide the appropriate and affordable amount according to the circumstances. B): The second category of *Jizyah* is levied on non-Muslims after gaining victory and authority over them; its due amount is fixed. Four Dirham monthly which will make forty-eight Dirham annually are due from a well off person, two Dirham monthly which will make twenty-four Dirham annually are due from a middle class, and one Dirham monthly which will make twelve Dirham annually are due from the poor.

that tribe. See *An-Nihāyah* and *Tuḥfat Al-Aḥwadhī*.

[1] He is narrating in no. 622. The author mentioned this previously, under *Ḥadīth* no. 17.

Chapter 6. What Has Been Related About It Being Disliked To Take The Choicest Wealth For Charity

625. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ sent Mu‘ādh to Yemen and said to him: “You are going to a people from the People of the Book, so invite them to testify that none has right to be worshipped but Allāh, and that I am the Messenger of Allāh. If they comply with that, then inform them that Allāh has made five prayers obligatory upon them in a day and a night. If they comply with that, then inform them that Allāh has ordained a charity upon their wealth, which is to be taken from the rich among them and given to the poor among them. If they comply with that, then beware of their most precious wealth, and protect yourself from the supplication of the oppressed, for there is no barrier between it and Allāh.” (*Ṣaḥīḥ*)

There is a similar narration on this from Aṣ-Ṣunābiḥī.

Abū ‘Eisā said: The *Ḥadīth* of Ibn ‘Abbās is a *Ḥasan Ṣaḥīḥ Ḥadīth*. Abū Ma‘bad’s (one of the narrators) name, the freed slave of Ibn ‘Abbās, is Nāfidh.

تخریج: متفق علیه، وأخرجه مسلم، الإیمان، باب الدعاء إلى الشهادتين وشرائع الإسلام، ح: ۱۹ عن أبي كريب والبخاري، ح: ۱۳۹۵ من حديث زكريا بن إسحاق به * وفي الباب عن الصنابحي (الصنابحي بن الأعسر) [أحمد: ۳۴۹/۴].

Comments:

According to the majority biographers, Mu‘ādh bin Jabal was appointed a judge and governor of Yemen in 9th year of Hijrah/Emigration. Imām Al-

(المعجم ۶) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ أَخْذِ خِيَارِ الْمَالِ فِي الصَّدَقَةِ (التحفة ۶)

۶۲۵ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا زَكْرِيَّا بْنُ إِسْحَاقَ الْمَكِّيُّ: حَدَّثَنَا يَحْيَى ابْنُ عَبْدِ اللَّهِ بْنِ صَفِيٍّ عَنْ أَبِي مَعْبُدٍ، عَنِ ابْنِ عَبَّاسٍ أَنَّ رَسُولَ اللَّهِ ﷺ بَعَثَ مُعَاذًا إِلَى الْيَمَنِ فَقَالَ لَهُ: «إِنَّكَ تَأْتِي قَوْمًا أَهْلَ كِتَابٍ فَادْعُهُمْ إِلَى شَهَادَةِ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنِّي رَسُولُ اللَّهِ، فَإِنْ هُمْ أَطَاعُوا لِذَلِكَ فَأَعْلِمُهُمْ أَنَّ اللَّهَ افْتَرَضَ عَلَيْهِمْ خَمْسَ صَلَوَاتٍ فِي الْيَوْمِ وَاللَّيْلَةِ، فَإِنْ هُمْ أَطَاعُوا لِذَلِكَ فَأَعْلِمُهُمْ أَنَّ اللَّهَ افْتَرَضَ عَلَيْهِمْ صَدَقَةً أَمْوَالِهِمْ تُؤْخَذُ مِنْ أَغْنِيَائِهِمْ وَتُرَدُّ عَلَى فُقَرَائِهِمْ، فَإِنْ هُمْ أَطَاعُوا لِذَلِكَ فَإِيَّاكَ وَكَرَائِمَ أَمْوَالِهِمْ، وَاتَّقِ دَعْوَةَ الْمَظْلُومِ فَإِنَّهَا لَيْسَ بَيْنَهَا وَبَيْنَ اللَّهِ حِجَابٌ».

وفي الباب عَنِ الصَّنَابِحِيِّ.

قَالَ أَبُو عِيْسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَأَبُو مَعْبُدٍ مَوْلَى ابْنِ عَبَّاسٍ اسْمُهُ نَافِذٌ.

Bukhārī and some other people of knowledge hold that he was sent in the 10th year of Hijrah. Nevertheless, sending him to Yemen, the Prophet ﷺ told him this wise manner of calling and inviting to Islam.

Chapter 7. What Has Been Related About Charity Due On Plants, Fruits And Grains

(المعجم ٧) - بَابُ مَا جَاءَ فِي صَدَقَةِ الزَّرْعِ وَالشَّمْرِ وَالْحُبُوبِ (التحفة ٧)

626. Abū Sa‘eed Al-Khudrī narrated that the Prophet ﷺ said: “There is no charity due on less than five camels, and there is no charity due on what is less than five *Uqiyah* (of silver), and there is no charity due on what is less than five *Wasaq*.” (*Ṣaḥīḥ*)

There are narrations on this topic from Abū Hurairah, Ibn ‘Umar, Jābir, and ‘Abdullāh bin ‘Amr.

٦٢٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ عَمْرِو بْنِ يَحْيَى الْمَازِنِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ قَالَ: إِنَّ النَّبِيَّ ﷺ قَالَ: «لَيْسَ فِيمَا دُونَ خُمْسَةِ دَوْدَ صَدَقَةٌ وَلَيْسَ فِيمَا دُونَ خُمْسِ أَوَاقٍ صَدَقَةٌ، وَلَيْسَ فِيمَا دُونَ خُمْسَةِ أَوْسُقٍ صَدَقَةٌ». وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ وَابْنِ عُمَرَ وَجَابِرٍ وَعَبْدِ اللَّهِ بْنِ عَمْرٍو.

تخريج: متفق عليه، وأخرجه البخاري، الزكاة، باب زكاة الورق، ح: ١٤٤٧ ومسلم، الزكاة، ح: ٩٧٩ من حديث عمرو بن يحيى به * وفي الباب عن أبي هريرة [أحمد: ٤٠٢/٢] وابن عمر [أحمد: ٩٢/٢] وجابر [مسلم، ح: ٩٨٠] عبدالله بن عمرو [الدارقطني: ٩٣/٢].

627. (Another chain of narration that) Abū Sa‘eed Al-Khudrī narrated that the Prophet ﷺ said (similar to *Hadīth* no. 626). (*Ṣaḥīḥ*)

Abū ‘Eisā said: The *Hadīth* of Abū Sa‘eed is a *Ḥasan Ṣaḥīḥ Hadīth*. It has been reported from him through other routes also. This is acted upon according to the people of knowledge, (they say) that there is no charity due on what is less than five *Wasaq* and a *Wasaq* is sixty *Ṣā’s*, so five *Wasaq* is three hundred *Ṣā’*. The *Ṣā’* of the Prophet ﷺ was five and one-third

٦٢٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا سُفْيَانُ وَشُعْبَةُ وَمَالِكُ بْنُ أَنَسٍ عَنْ عَمْرِو بْنِ يَحْيَى، عَنْ أَبِيهِ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ عَنِ النَّبِيِّ ﷺ نَحْوَ حَدِيثِ عَبْدِ الْعَزِيزِ، عَنْ عَمْرِو بْنِ يَحْيَى.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي سَعِيدٍ حَدِيثٌ حَسَنٌ صَحِيحٌ، وَقَدْ رَوِيَ مِنْ غَيْرِ وَجْهٍ عَنْهُ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ أَنْ لَيْسَ فِيمَا دُونَ خُمْسَةِ أَوْسُقٍ صَدَقَةٌ. وَالْوَسْقُ

Raṭl, and the *Ṣā'* of the people of Al-Kūfah is eight *Raṭl*. There is no charity due on what is less than five *Uqiyah* and an *Uqiyah* is forty Dirham, so five *Uqiyah* is two hundred Dirham. There is no charity due on what is less than five camels, so when the amount reaches twenty-five, then one *Bint Makhād* is due, and when it is less than twenty-five camels, then for every five camels a sheep is due.

سِتُونَ صَاعًا، وَخَمْسَةُ أَوْسُقٍ ثَلَاثُمِائَةِ صَاعٍ،
وَصَاعُ النَّبِيِّ ﷺ خَمْسَةُ أَرْطَالٍ وَثُلُثٌ، وَصَاعُ
أَهْلِ الْكُوفَةِ ثَمَانِيَةُ أَرْطَالٍ، وَلَيْسَ فِيمَا دُونَ
خَمْسِ أَوَاقٍ صَدَقَةٌ، وَالْأَوْقِيَةُ أَرْبَعُونَ دِرْهَمًا
وَوَحْشُ أَوَاقٍ مِائَتَا دِرْهَمٍ. وَلَيْسَ فِيمَا دُونَ
خَمْسِ ذَوْدٍ يَعْنِي لَيْسَ فِيمَا دُونَ خَمْسِ مَنَ
الْإِبِلِ صَدَقَةٌ، فَإِذَا بَلَغَتْ خَمْسًا وَعِشْرِينَ مَنَ
الْإِبِلِ فَفِيهَا ابْنَةُ مَخَاضٍ، وَفِيمَا دُونَ خَمْسِ
وَعِشْرِينَ مَنَ الْإِبِلِ فِي كُلِّ خَمْسٍ مَنَ الْإِبِلِ
شَاةٌ.

تخريج: وأخرجه البخاري من حديث مالك به، انظر الحديث السابق.

Comments:

Dhaud means camels and *Uqiyah* is used for Dirham; the detail of their *Zakāt* has already been mentioned. Here the objective of this *Hadīth* is to explain the issue of *Zakāt* levied on agricultural produce, like: grains and fruits.

Chapter 8. What Has Been Related About: There Is No Charity Due On Horses And Slaves

(المعجم ٨) - بَابُ مَا جَاءَ
لَيْسَ فِي الْخَيْلِ وَالرَّقِيقِ صَدَقَةٌ
(التحفة ٨)

628. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "There is no charity due from a Muslim for his horse nor his slave." (*Ṣaḥīh*)

There are narrations on this topic from 'Abdullāh bin 'Amr and 'Alī.

Abū 'Eīsā said: The *Hadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Hadīth*.

This is acted upon according to the people of knowledge, there is no charity due on a grazing horse, nor is charity due on a slave which they use as a servant, unless they

٦٢٨ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ أَبُو كُرَيْبٍ
وَمُحَمَّدُ بْنُ غِيْلَانَ قَالَا: حَدَّثَنَا وَكِيعٌ عَنْ
سُفْيَانَ وَشُعْبَةَ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ
سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عِرَاكِ بْنِ مَالِكٍ، عَنْ
أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَيْسَ
عَلَى الْمُسْلِمِ، فِي فَرَسِهِ وَلَا فِي عَبْدِهِ صَدَقَةٌ».
وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو وَعَلِيٍّ.
قَالَ أَبُو عِيْسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ
حَسَنٌ صَحِيحٌ.

are for trade, if they are for trade then *Zakāt* is due on their price when the *Hawl*^[1] is fulfilled for them.

وَالْعَمَلُ عَلَيْهِ عِنْدَ أَهْلِ الْعِلْمِ أَنَّهُ لَيْسَ فِي الْخَيْلِ السَّائِمَةِ صَدَقَةٌ، وَلَا فِي الرَّيْقِيِّ إِذَا كَانُوا لِلْخِدْمَةِ صَدَقَةٌ، إِلَّا أَنْ يَكُونُوا لِلتَّجَارَةِ، فَإِذَا كَانُوا لِلتَّجَارَةِ فَفِي أَثْمَانِهِمُ الزَّكَاةُ إِذَا حَالَ عَلَيْهَا الْحَوْلُ.

تخريج: متفق عليه، وأخرجه البخاري، الزكاة، باب: ليس على المسلم في فرسه صدقة، ح: ١٤٦٣ من حديث شعبة ومسلم، الزكاة، باب: لا زكاة على المسلم في عبده وفرسه، ح: ٩٨٢ من حديث عبدالله بن دينار به * وفي الباب عن عبدالله بن عمرو [أبو عبيد في كتاب الأموال، ص: ٥٦٣، ح: ١٣٥٧] وعلي [تقدم: ٦٢٠].

Comments:

Three *A'immah* hold the opinion in the light of this *Hadīth* that the horses are not subject to *Zakāt* if they are not for trade, and if they are for trade, then according to the four *A'immah*, they are subject to *Zakāt*; Imām Abū Yūsuf and Imām Muḥammad are also agreed with the majority. Imām Abū Ḥanīfah says, the horses for breeding purposes are subject to *Zakāt*, but the opinion of the majority is more accurate. (*Mir'āt*: 2/44)

Chapter 9. What Has Been Related About *Zakāt* On Honey

(المعجم ٩) - بَابُ مَا جَاءَ فِي زَكَاةِ الْعَسَلِ (التحفة ٩)

629. Ibn 'Umar narrated that the Messenger of Allāh ﷺ said: "A *Ziqq*^[2] is due for every ten *Ziqq* of honey." (*Hasan*)

There are narrations on this topic from Abū Hurairah, Abū Sayyārah Al-Muta'ī, and 'Abdullāh bin 'Amr.

Abū 'Eisā said: The chain for the *Hadīth* of Ibn 'Umar has one person in it who has been criticized, and there is not much from the Prophet ﷺ on this topic that is correct.

٦٢٩ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى التَّيْسَابُورِيُّ: حَدَّثَنَا عَمْرُو بْنُ أَبِي سَلَمَةَ التَّيْسِيُّ عَنْ صَدَقَةَ بْنِ عَبْدِ اللَّهِ، عَنْ مُوسَى بْنِ يَسَارٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «فِي الْعَسَلِ فِي كُلِّ عَشْرَةِ أَرْقُ، زَقٌّ». وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ وَأَبِي سَيَّارَةَ الْمُعَمِّي وَعَبْدُ اللَّهِ بْنُ عَمْرِو. قَالَ أَبُو عِيْسَى: حَدِيثُ ابْنِ عُمَرَ فِي إِسْنَادِهِ مَقَالٌ. وَلَا يَصِحُّ عَنِ النَّبِيِّ ﷺ فِي هَذَا الْبَابِ

[1] One lunar year.

[2] "It is a vessel made of (animal) skin in which fat and honey are stored." *Tuhfat Al-Aḥwadhī*.

However, this *Ḥadīth* is acted upon according to most of the people of knowledge. It is the view of Aḥmad and Ishāq. Some of the people of knowledge say that there is nothing due on honey.

[And Ṣadaqah bin ‘Abdullāh (one of the narrators) does not have a good memory, and Ṣadaqah bin ‘Abdullāh has been contradicted in narrating this *Ḥadīth* from Nāfi’].

كَبِيرُ شَيْءٍ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ. وَبِهِ يَقُولُ أَحْمَدُ وَإِسْحَاقُ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ لَيْسَ فِي الْعَسَلِ شَيْءٌ.

[وَصَدَقَهُ بْنُ عَبْدِ اللَّهِ لَيْسَ بِحَافِظٍ، وَقَدْ خُولِفَ صَدَقَهُ بْنُ عَبْدِ اللَّهِ فِي رَوَايَةِ هَذَا الْحَدِيثِ عَنْ نَافِعٍ].

تخريج: [حسن] وأخرجه البيهقي: ١٢٦/٤ من حديث محمد بن يحيى به وقال: "تفرد به هكذا صدقة بن عبدالله السمين وهو ضعيف، قد ضعفه أحمد بن حنبل ويحيى بن معين وغيرهما" وللحديث شواهد عند ابن ماجه، ح: ١٨٢٤ وأبي داود، ح: ١٦٠٠ وغيرهما * وفي الباب عن أبي هريرة [البيهقي: ١٢٦/٤] وأبي سياره المتعي [ابن ماجه، ح: ١٨٢٣] وعبدالله بن عمرو [ابن ماجه، ح: ١٨٢٤] وأبو داود، ح: ١٦٠٢.

630. ‘Ubaidullāh bin ‘Umar narrated that Nāfi’ said: “‘Umar bin ‘Abdul-‘Azīz asked me about charity due on honey, so I said to him: ‘We do not have honey that we could give charity from, but Al-Mughirah bin Ḥakīm informed us that he (ﷺ) said: ‘There is no charity due on honey.’ So ‘Umar said: ‘That is fair enough for me.’ So he wrote to the people that it be lifted, meaning (the duty of paying it) from them.” (*Ṣaḥīḥ*)

٦٣٠ - [حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ: حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ عُمَرَ عَنْ نَافِعٍ قَالَ: سَأَلَنِي عُمَرُ بْنُ عَبْدِ الْعَزِيزِ، عَنْ صَدَقَةِ الْعَسَلِ قَالَ: قُلْتُ: مَا عِنْدَنَا عَسَلٌ تَتَصَدَّقُ مِنْهُ وَلَكِنْ أَخْبَرَنَا الْمُغِيرَةُ بْنُ حَكِيمٍ أَنَّهُ قَالَ: لَيْسَ فِي الْعَسَلِ صَدَقَةٌ، فَقَالَ عُمَرُ: عَدَلٌ مَرَضِيٌّ فَكَتَبَ إِلَى النَّاسِ أَنْ تُوَضَعَ. يَعْنِي عَنْهُمْ].

تخريج: [إسناده صحيح] وأخرجه ابن أبي شيبة: ١٤٢/٣، ح: ١٠٠٥٦ وعبد الرزاق، ح: ٦٩٦٥، ٦٩٦٦ من حديث عبيد الله بن عمر به.

Comments:

Imām Ibn Al-Mundhir stated that according to the majority the *Zakāt* is not levied on honey, Imām Mālik, Ash-Shāfi’i and Ath-Thawri also hold the same opinion. In the view of Imām Aḥmad and Ishāq one tenth is due on honey as *Zakāt*. (*Tuḥfat Al-Aḥwadhī*: 3/8)

Chapter 10. What Has Been Related About: There Is No *Zakāt* On Acquired Wealth Until The *Hawl* Has Passed

631. Ibn ‘Umar narrated that the Messenger of Allāh ﷺ said: “Whoever acquires wealth, then there is no *Zakāt* on it until the *Hawl* has passed (while it is in his possession).” (*Da‘īf*)

(المعجم ١٠) - بَابُ مَا جَاءَ لَا زَكَاةَ عَلَى الْمَالِ الْمُسْتَفَادِ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ (التحفة ١٠)

٦٣١ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى: حَدَّثَنَا هَارُونُ بْنُ صَالِحِ الطَّلْحِيِّ [الْمَدَنِي].
حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ زَيْدِ بْنِ أَسْلَمَ عَنْ أَبِيهِ، عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ اسْتَفَادَ مَالًا فَلَا زَكَاةَ عَلَيْهِ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ [عِنْدَ رَبِّهِ]».
وفي البابِ عَنْ سَرَاءَ بِنْتِ نَبْهَانَ [الْعَنَوِيَّة].

تخريج: [إسناده ضعيف] وأخرجه البغوي في شرح السنة، ح: ١٥٧٦ من حديث الترمذي به وللحديث شواهد ضعيفة عند أبي داود، ح: ١٥٧٣ وابن ماجه، ح: ١٧٩٢ وغيرهما * وفي الباب عن سراء بنت نبهان [لعله يشير إلى حديث الطبراني في الكبير: ٣٠٨/٢٤، ح: ٧٧٨].

632. Ibn ‘Umar said: “Whoever acquires wealth, then there is no *Zakāt* on it until the *Hawl* has passed while it is in his possession.” (Abū ‘Eisā said:) This is more correct than the (previous) *Hadīth* of ‘Abdur-Raḥmān bin Zaid bin Aslam.

Abū ‘Eisā said: It was reported by Ayyūb, ‘Ubaidullāh [bin ‘Umar] and others, from Nāfi‘, from Ibn ‘Umar in *Mawqūf* form. ‘Abdur-Raḥmān bin Zaid bin Aslam is weak in *Hadīth*, Aḥmad bin Ḥanbal, ‘Alī bin Al-Madīnī and others among the scholars of *Hadīth* graded him weak. (And he) has many mistakes.

٦٣٢ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ: حَدَّثَنَا أَيُّوبُ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: مَنْ اسْتَفَادَ مَالًا فَلَا زَكَاةَ فِيهِ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ عِنْدَ رَبِّهِ.
[قَالَ أَبُو عِيسَى]: وَهَذَا أَصَحُّ مِنْ حَدِيثِ عَبْدِ الرَّحْمَنِ بْنِ زَيْدِ بْنِ أَسْلَمَ.
قَالَ أَبُو عِيسَى: وَرَوَاهُ أَيُّوبُ وَعُبَيْدُ اللَّهِ [ابْنُ عُمَرَ] وَغَيْرُ وَاحِدٍ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ مَوْقُوفًا. وَعَبْدُ الرَّحْمَنِ بْنُ زَيْدِ بْنِ أَسْلَمَ ضَعِيفٌ فِي الْحَدِيثِ، ضَعَّفَهُ أَحْمَدُ بْنُ حَنْبَلٍ وَعَلِيُّ بْنُ الْمَدِينِيِّ وَغَيْرُهُمَا مِنْ أَهْلِ الْحَدِيثِ، وَهُوَ كَثِيرُ الْعَلَطِ.

It has been reported from more than one of the Companions of the Prophet ﷺ that there is no *Zakāt* on acquired wealth until the *Hawl* passes on it. This is the saying of Mālik bin Anas, Ash-Shāfi'ī, Aḥmad bin Ḥanbal, and Ishāq.

Some of the people of knowledge said that when one has wealth upon which *Zakāt* is due, then the *Zakāt* is required, but if he does not have any wealth besides what was acquired – and it is of the type that *Zakāt* is paid on – then he is not required to pay *Zakāt* on the acquired wealth until the *Hawl* has passed on it. But if he acquired wealth before the *Hawl* passed, then he is to pay *Zakāt* on the acquired wealth, along with the wealth that *Zakāt* is required on that he already has. This is the saying of Sufyān Ath-Thawrī and the people of Al-Kūfah.

وَقَدْ رُوِيَ عَنْ غَيْرِ وَاحِدٍ مِنْ أَصْحَابِ النَّبِيِّ ﷺ أَنَّ لَا زَكَاةَ فِي الْمَالِ الْمُسْتَقَادِ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ. وَبِهِ يَقُولُ مَالِكُ بْنُ أَنَسٍ وَالشَّافِعِيُّ وَأَحْمَدُ بْنُ حَنْبَلٍ وَإِسْحَاقُ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: إِذَا كَانَ عِنْدَهُ مَالٌ تَجِبُ فِيهِ الزَّكَاةُ فَفِيهِ الزَّكَاةُ وَإِنْ لَمْ يَكُنْ عِنْدَهُ سِوَى الْمَالِ الْمُسْتَقَادِ - مَالٌ تَجِبُ فِيهِ الزَّكَاةُ - لَمْ يَجِبْ عَلَيْهِ فِي الْمَالِ الْمُسْتَقَادِ زَكَاةٌ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ، فَإِنْ اسْتَقْدَادَ مَالًا قَبْلَ أَنْ يَحُولَ عَلَيْهِ الْحَوْلُ فَإِنَّهُ يُزَكِّي الْمَالَ الْمُسْتَقْدَادَ مَعَ مَالِهِ الَّذِي وَجِبَتْ فِيهِ الزَّكَاةُ. وَبِهِ يَقُولُ سُفْيَانُ الثَّوْرِيُّ وَأَهْلُ الْكُوفَةِ.

تخريج: [إسناده صحيح] وأخرجه عبدالرزاق، ح: ٧٠٣١ من حديث أيوب به وهو في الموطأ: ٢٤٦/١ بلفظ: "لا تجب في مال زكاة حتى يحول عليه الحول" وإسناده صحيح جليل وصححه الدارقطني والبيهقي.

Comments:

Wealth gained during the year (like: gifts, inheritance etc.) is called 'Gained Wealth'. According to Imām Abū Ḥanifah, this type of wealth will be calculated along with the person's own previous wealth, and both together will be subject to *Zakāt*. It looks true that if the previous wealth does not reach the amount subject to *Zakāt* (*Nisāb*) while the gained wealth reaches the *Nisāb*, or the gained wealth reaches the *Nisāb* by adding it to the pre-owned wealth, thus both will be combined and will be subject to *Zakāt*. If both, individually, reach the *Nisāb*, then they will have separate years. See for details *Mir'āt*: 2/21-22.

Chapter 11. What Has Been Related About: There Is No *Jizyah* Required From The Muslims

633. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ said: “Two *Qiblahs* in one land are of no benefit, and there is no *Jizyah* upon the Muslims.” (*Da‘īf*)

(المعجم ١١) - بَابُ مَا جَاءَ لَيْسَ عَلَى الْمُسْلِمِينَ جِزْيَةٌ (التحفة ١١)

٦٣٣ - حَدَّثَنَا يَحْيَى بْنُ أَكْثَمَ: حَدَّثَنَا جَرِيرٌ عَنْ قَابُوسِ بْنِ أَبِي ظَبْيَانَ، عَنْ أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَصْلُحُ فِئْتَانٍ فِي أَرْضٍ وَاحِدَةٍ، وَلَيْسَ عَلَى الْمُسْلِمِينَ جِزْيَةٌ».

تخریج: [إسناده ضعيف] وأخرجه أبو داود، الخراج والفی والإمارة، باب: في الذمي الذي يسلم في بعض السنة هل عليه جزیة؟، ح: ٣٠٥٣ من حديث جرير ابن عبد الحميد مختصراً، قابوس ضعيف ضعفه الجمهور.

Comments:

‘Allāmah Taur Bishtī said, two religions cannot function together equally in the same land. No Muslim should be disgraced and humiliated in the country of disbelievers, and a disbeliever cannot live in an Islamic country without paying the *Jizyah* and neither is he allowed to preach and propagate his religion openly.

634. (A similar narration as no. 633). (*Da‘īf*)

There are narrations on this topic from Sa‘eed bin Zaid and the grandfather of Ḥarb bin ‘Ubaidullāh Ath-Thaqafi.

Abū ‘Eisā said: The *Ḥadīth* of Ibn ‘Abbās was reported from Qābūs bin Abī Zibyan, from his father, from the Prophet ﷺ in *Mursal* form.

This is acted upon according to the people of knowledge in general, that the Christian, when he accepts Islām, then the *Jizyah* is removed from his neck.^[1] As for the saying of the Prophet ﷺ:

٦٣٤ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا جَرِيرٌ عَنْ قَابُوسٍ بِهَذَا الْإِسْنَادِ نَحْوَهُ.

وفي الباب عَنْ سَعِيدِ بْنِ زَيْدٍ وَجَدَّ حَرْبِ ابْنِ عُبَيْدِ اللَّهِ الثَّقَفِيِّ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ قَدْ رَوَاهُ عَنْ قَابُوسِ بْنِ أَبِي ظَبْيَانَ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ مُرْسَلًا.

وَالْعَمَلُ عَلَى هَذَا عِنْدَ عَامَّةِ أَهْلِ الْعِلْمِ أَنَّ النَّصْرَانِيَّ إِذَا أَسْلَمَ وَضِعَتْ عَنْهُ جِزْيَةُ رَقَبَتِهِ. وَقَوْلُ النَّبِيِّ ﷺ: «لَيْسَ عَلَى الْمُسْلِمِينَ جِزْيَةٌ عُشُورٌ» إِنَّمَا يَعْنِي بِهِ جِزْيَةُ الرَّقَبَةِ. وَفِي

^[1] Meaning the individual does not have to pay the *Jizyah*, but that does not necessarily refer to taxes on his land.

"There is no 'Ushūr Jizyah taken from the Muslims," it only refers to the individual Jizyah, and there is a *Hadīth* that explains this, where he (ﷺ) said: "The 'Ushūr is only required from the Jews and Christians, there is no 'Ushūr required from the Muslims."

الْحَدِيثُ مَا يُفَسِّرُ هَذَا حَيْثُ قَالَ: «إِنَّمَا الْعُشُورُ عَلَى الْيَهُودِ وَالنَّصَارَى، وَلَيْسَ عَلَى الْمُسْلِمِينَ عُشُورٌ».

تخريج: [إسناده ضعيف] انظر الحديث السابق * وفي الباب عن سعيد بن زيد [أحمد: ١/ ١٩٠] وجد حرب بن عبيد الله الثقفي [أبو داود، ح: ٣٠٤٦] وللحديث "ليس على المسلمين جزية عشور" شواهد.

Comments:

Some people of knowledge meant by 'Ushūr' ten percent of the trading merchandise; meaning that the trading commodities of the Jews and Christians are subject to ten percent levy; as for the Muslims, because they pay Zakāt on the trading commodities, so their trading merchandise are not subject to ten percent levy. [Tuhfat Al-Aḥwadhī: 3/10]

Chapter 12. What Has Been Related About Zakāt On Jewelry

635. 'Amr bin Al-Hārith bin Al-Muṣṭaliq narrated from the nephew of Zainab, the wife of 'Abdullāh (Ibn Mas'ūd) who said: "The Messenger of Allāh ﷺ delivered a sermon to us, and said: 'O you women! Give charity, even if it is from your jewelry, for indeed you will make up most of the people of Hell on the Day of Judgement.'" (Ṣaḥīḥ)

تخريج: [صحيح] وأخرجه النسائي في الكبرى، ح: ٩٢٠٠ عن هناد بن السري وغيره به مطولاً وصححه ابن حبان (الإحسان): ٤٢٣٤ * أبو معاوية صرح بالسماع وانظر الحديث الآتي.

636. 'Amr bin Al-Hārith, the nephew of Zainab, the wife of 'Abdullāh, narrated that Zainab, the wife of 'Abdullāh narrated similarly from the Prophet ﷺ. (Ṣaḥīḥ)

(المعجم ١٢) - بَابُ مَا جَاءَ فِي زَكَاةِ الْحُلِيِّ (التحفة ١٢)

٦٣٥ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ أَبِي وَائِلٍ، عَنْ عَمْرِو بْنِ الْحَارِثِ بْنِ الْمُصْطَلِقِ، عَنِ ابْنِ أَخِي زَيْنَبِ امْرَأَةِ عَبْدِ اللَّهِ، عَنْ زَيْنَبِ امْرَأَةِ عَبْدِ اللَّهِ [ابْنِ مَسْعُودٍ] قَالَتْ: خَطَبَنَا رَسُولُ اللَّهِ ﷺ فَقَالَ: «يَا مَعْشَرَ النِّسَاءِ تَصَدَّقْنَ وَلَوْ مِنْ حُلِيِّكُمْ فَإِنَّكُمْ أَكْثَرُ أَهْلِ جَهَنَّمَ يَوْمَ الْقِيَامَةِ».

٦٣٦ - حَدَّثَنَا مُحَمَّدُ بْنُ غِيلَانَ: حَدَّثَنَا أَبُو دَاوُدَ عَنْ شُعْبَةَ، عَنِ الْأَعْمَشِ قَالَ: سَمِعْتُ أَبَا وَائِلٍ يُحَدِّثُ عَنْ عَمْرِو بْنِ الْحَارِثِ ابْنِ أَخِي زَيْنَبِ امْرَأَةِ عَبْدِ اللَّهِ، عَنْ

(Abū ‘Eisā said:) This is more correct than the (previous) narration of Abū Mu‘āwiyah. Abū Mu‘āwiyah was confused in his narration, he said: “(From) ‘Amr bin Al-Ḥārith, from the nephew of Zainab” but what is correct is that it is from ‘Amr bin Al-Ḥārith, the nephew of Zainab. It has also been reported from ‘Amr bin Shu‘aib, from his father, from his grandfather, from the Prophet ﷺ that he accepted jewelry for *Zakāt*, but there is some disparagement related to the chain.

The people of knowledge differ over that, some of the people of knowledge among the Companions of the Prophet ﷺ, and the *Tābi‘īn* thought that *Zakāt* was due on jewelry that was gold or silver.

This is the view of Sufyān Ath-Thawrī and ‘Abdullāh bin Al-Mubārak. Some of the Companions of the Prophet ﷺ, among them Ibn ‘Umar, ‘Āishah, Jābir bin ‘Abdullāh and Anas bin Mālik said: “There is no *Zakāt* due on jewelry.” That was reported from some of the *Fuqḥahā’* among the *Tābi‘īn*. This is the view of Mālik bin Anas, Ash-Shāfi‘ī, Aḥmad, and Ishāq.

زَيْنَبُ امْرَأَةُ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ نَحْوَهُ.
[قَالَ أَبُو عِيسَى:] وَهَذَا أَصَحُّ مِنْ حَدِيثِ أَبِي مُعَاوِيَةَ.

وَأَبُو مُعَاوِيَةَ وَهُمْ فِي حَدِيثِهِ فَقَالَ: [عَنْ] عَمْرٍو بْنِ الْحَارِثِ، عَنْ ابْنِ أَخِي زَيْنَبٍ. وَالصَّحِيحُ إِنَّمَا هُوَ [عَنْ] عَمْرٍو بْنِ الْحَارِثِ ابْنِ أَخِي زَيْنَبٍ. وَقَدْ رُوِيَ عَنْ عَمْرٍو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ عَنِ النَّبِيِّ ﷺ أَنَّهُ رَأَى فِي الْحُلِيِّ زَكَاةً. وَفِي إِسْنَادِهِ مَقَالٌ.

وَاخْتَلَفَ أَهْلُ الْعِلْمِ فِي ذَلِكَ، فَرَأَى بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَالتَّابِعِينَ فِي الْحُلِيِّ زَكَاةً مَا كَانَ مِنْهُ ذَهَبٌ وَفِضَّةٌ.

وَبِهِ يَقُولُ سُفْيَانُ الثَّوْرِيُّ وَعَبْدُ اللَّهِ بْنُ الْمُبَارَكِ. وَقَالَ بَعْضُ أَصْحَابِ النَّبِيِّ ﷺ مِنْهُمْ ابْنُ عُمَرَ وَعَائِشَةُ وَجَابِرُ بْنُ عَبْدِ اللَّهِ وَأَنَسُ بْنُ مَالِكٍ: لَيْسَ فِي الْحُلِيِّ زَكَاةٌ. وَهَكَذَا رُوِيَ عَنْ بَعْضِ فُقَهَاءِ التَّابِعِينَ. وَبِهِ يَقُولُ مَالِكُ بْنُ أَنَسٍ وَالشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ.

تخريج: متفق عليه، وأخرجه البخاري، الزكاة، باب الزكاة على الزوج والأيتام في الحجر، ح: ١٤٦٦ ومسلم، الزكاة، باب فضل النفقة والصدقة على الأقربين ... إلخ، ح: ١٠٠٠ من حديث الأعمش به * حديث عمرو بن شعيب عن أبيه عن جده، ولعله الحديث الآتي: ٦٣٧ وهو حديث حسن.

Comments:

In the light of evidence, the opinion of those who are in favor of *Zakāt* on jewelry is correct, provided the jewelry is equal or more than the *Nisāb*.
(*Subulus-Salām*: 2/192, *Mir‘āt*: 3/81)

637. ‘Amr bin Shu’aib narrated from his father, from his grandfather, that two women came to the Messenger of Allāh ﷺ, and they each had a bracelet of gold on their forearms. So he said to them: “Have you paid their *Zakāt*?” They said, “No.” The Messenger of Allāh ﷺ said to them: “Would you like for Allāh to fashion them into two bracelets of Fire?” They said, “No.” He said: “Then pay its *Zakāt*.” (*Hasan*)

Abū ‘Eisā said: This *Hadīth* was also reported like this by Al-Muthanna bin Aṣ-Ṣabbāḥ from ‘Amr bin Shu’aib. Al-Muthanna bin Aṣ-Ṣabbāḥ and Ibn Lahī‘ah (narrators in the chain of this *Hadīth* are weak in *Hadīth*, and there is nothing correct on this chapter from the Prophet ﷺ).

٦٣٧ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا ابْنُ لَهَيْعَةَ عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ امْرَأَتَيْنِ أَتَتَا رَسُولَ اللَّهِ ﷺ وَفِي أَيْدِيهِمَا سِوَارَانِ مِنْ ذَهَبٍ، فَقَالَ لَهُمَا: «أَتُودَيَانِ زَكَاتَهُ؟» قَالَتَا: لَا، قَالَ: فَقَالَ لَهُمَا رَسُولُ اللَّهِ ﷺ: «أَتُحِبَّانِ أَنْ يُسَوِّرَكُمَا اللَّهُ بِسِوَارَيْنِ مِنْ نَارٍ؟» قَالَتَا: لَا، قَالَ: «فَأَدَيَا زَكَاتَهُ».

قَالَ أَبُو عِيسَى: وَهَذَا حَدِيثٌ قَدْ رَوَاهُ الْمُتَنَّى بْنُ الصَّبَّاحِ عَنْ عَمْرِو بْنِ شُعَيْبٍ نَحْوَ هَذَا. وَالْمُتَنَّى بْنُ الصَّبَّاحِ وَابْنُ لَهَيْعَةَ يُضَعَّفَانِ فِي الْحَدِيثِ وَلَا يَصِحُّ فِي هَذَا الْبَابِ، عَنِ النَّبِيِّ ﷺ شَيْءٌ.

تخريج: [حسن] وأخرجه أبو داود، الزكاة، باب الكنز ما هو؟ وزكاة الحلي، ح: ١٥٦٣ من طريق آخر عن عمرو بن شعيب به وصححه ابن القطان الفاسي * ابن لهيعة تابعه حسين المعلم.

Comments:

The scholars did not accept this view of Imām At-Tirmidhī that there is no authentic *Hadīth* regarding this issue; as there are some authentic *Aḥādīth*.

Chapter 13. What Has Been Related About *Zakāt* On Greens (Produce)

638. ‘Eisā bin Ṭalḥah narrated that Mu‘ādh had written to the Prophet ﷺ to ask him about greens – which is “herbs” – so he (ﷺ) said, “There is nothing due on them.” (*Da‘īf*)

Abū ‘Eisā said: The chain for this *Hadīth* is not *Ṣaḥīḥ*, Nothing

(المعجم ١٣) - مَا جَاءَ فِي زَكَاةِ الْخَضِرَاوَاتِ (التحفة ١٣)

٦٣٨ - حَدَّثَنَا عَلِيُّ بْنُ حَشْرَمٍ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ عَنِ الْحَسَنِ [بْنِ عُمَارَةَ]، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عُبَيْدٍ، عَنْ عِيسَى بْنِ طَلْحَةَ، عَنْ مُعَاذٍ أَنَّهُ كَتَبَ إِلَى النَّبِيِّ ﷺ يَسْأَلُهُ، عَنِ الْخَضِرَاوَاتِ وَهِيَ الْبَقُولُ، فَقَالَ: «لَيْسَ فِيهَا شَيْءٌ».

authentic is reported from the Prophet ﷺ on this topic. This was only reported from Mūsā bin Talḥah, from the Prophet ﷺ in *Mursal* form. This is acted upon according to the people of knowledge, in that there is no charity due on greens.

Abū 'Eisā said: Al-Ḥasan (one of the narrators) is Ibn 'Ummārah, and he is weak according to the people of *Hadīth*. Shu'bah and others considered him weak, and he was abandoned by 'Abdullāh bin Al-Mubārak.

قَالَ أَبُو عِيسَى: إِسْنَادُ هَذَا الْحَدِيثِ لَيْسَ بِصَحِيحٍ، وَلَيْسَ يَصِحُّ فِي هَذَا الْبَابِ عَنِ النَّبِيِّ ﷺ شَيْءٌ، وَإِنَّمَا يُرَوَّى هَذَا عَنْ مُوسَى ابْنِ طَلْحَةَ، عَنِ النَّبِيِّ ﷺ مُرْسَلًا. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ أَنَّهُ لَيْسَ فِي الْخَضِرَاوَاتِ صَدَقَةٌ.

قَالَ أَبُو عِيسَى: وَالْحَسَنُ هُوَ ابْنُ عُمَارَةَ وَهُوَ ضَعِيفٌ عِنْدَ أَهْلِ الْحَدِيثِ، ضَعَّفَهُ شُعْبَةُ وَغَيْرُهُ وَتَرَكَهُ عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ.

تخريج: [إسناده ضعيف] وللحديث شواهد ضعيفة عند الدارقطني: ٩٧/٢ وغيره.

Comments:

Three *A'imma* and two disciples of Imām Abū Ḥanīfah hold the opinion that *Zakāt* is not levied on vegetables and this is the authentic view, because they cannot be preserved by storing.

Chapter 14. What Has Been Related About Charity On What Is Watered By Rivers Or Otherwise

639. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "For what is watered by the heavens and streams, the *'Ushr* is due, and for what is watered by irrigation,^[1] half of the *'Ushr*." (*Ḥasan*)

(He said:) There are narrations on this topic from Anas bin Mālik, Ibn 'Umar, and Jābir.

Abū 'Eisā said: This *Hadīth* was narrated in *Mursal* form by Bukair

(المعجم ١٤) - بَابُ مَا جَاءَ فِي الصَّدَقَةِ
فِيمَا يُسْقَى بِالْأَنْهَارِ وَغَيْرِهِ (التحفة ١٤)

٦٣٩ - حَدَّثَنَا أَبُو مُوسَى الْأَنْصَارِيُّ: حَدَّثَنَا عَاصِمُ بْنُ عَبْدِ الْعَزِيزِ [مَدَنِيٌّ]: حَدَّثَنَا الْحَارِثُ بْنُ عَبْدِ الرَّحْمَنِ بْنِ أَبِي ذُبَابٍ عَنْ سُلَيْمَانَ بْنِ يَسَارٍ وَبُشَيْرِ بْنِ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «فِيمَا سَقَتْ السَّمَاءُ وَالْعِيُونُ الْعُشْرُ، وَفِيمَا سَقَى النَّضْحُ نِصْفُ الْعُشْرِ».

[1] This refers to whatever people provide water for by their own labor, or use of camels and the like, linguistically, it is not restricted to land or crops as some have mistakenly interpreted it. See *Tuhfat Al-Aḥwadhī* and *Fath Al-Bārī* (no. 1483)

bin ‘Abdullāh Al-Ashajj, from Sulaimān bin Yasār and Busr bin Sa‘eed from the Prophet ﷺ, and it is as if this narration is more correct. The *Hadīth* of Ibn ‘Umar on this topic from the Prophet ﷺ is authentic, and it is acted upon according to the *Fuqahā’* in general.

[قَالَ:] وَفِي الْبَابِ عَنْ أَنَسِ بْنِ مَالِكٍ وَابْنِ عُمَرَ وَجَابِرٍ.
قَالَ أَبُو عِيسَى: وَقَدْ رُوِيَ هَذَا الْحَدِيثُ عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ الْأَشَجِّ، وَعَنْ سُلَيْمَانَ بْنِ يَسَارٍ وَبُسْرِ بْنِ سَعِيدٍ عَنِ النَّبِيِّ ﷺ مُرْسَلًا. وَكَأَنَّ هَذَا الْحَدِيثَ أَصَحُّ. وَقَدْ صَحَّ حَدِيثُ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ فِي هَذَا الْبَابِ وَعَلَيْهِ الْعَمَلُ عِنْدَ عَامَّةِ الْفُقَهَاءِ.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، الزكاة، باب صدقة الزروع والثمار، ح: ١٨١٦ من حديث أبي موسى إسحاق بن موسى الأنصاري به * وفي الباب عن أنس بن مالك [ابن النجار كما في تحفة الأحوذى: ١٣/٢] وابن عمر [يأتي: ٦٤٠] وجابر [مسلم، ح: ٩٨١].

Comments:

It is proven with *Hadīth* that a produce irrigated by natural water (i.e. rain, under ground moisture, etc.) is subject to ten percent levy, because it is less expensive and does not require much hard work and labour. Canal irrigation system for which the government charges revenue is an artificial irrigation system, twenty percent *Zakāt* is levied on the produce by this system.

640. Sālim narrated from his father that the Messenger of Allāh ﷺ instituted the ‘*Ushr*’ for what was watered by the heavens and streams, or through natural channels, and half of the ‘*Ushr*’ for what is watered by irrigation. (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

٦٤٠ - حَدَّثَنَا أَحْمَدُ بْنُ الْحَسَنِ: حَدَّثَنَا سَعِيدُ بْنُ أَبِي مَرْيَمَ: حَدَّثَنَا ابْنُ وَهْبٍ: حَدَّثَنِي يُونُسُ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمٍ، عَنْ أَبِيهِ عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ سَنَّ فِيمَا سَقَتِ السَّمَاءُ وَالْغُيُوتُ أَوْ كَانَ عَثَرِيًّا الْعُشْرَ، وَفِيمَا سَقَى بِالنَّضْحِ نِصْفَ الْعُشْرِ.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: وأخرجه البخاري، الزكاة، باب العشر فيما يسقى من ماء السماء والماء الجاري، ح: ١٤٨٣ من حديث سعيد بن أبي مريم به.

Comments:

‘*Atharī*’ is a land watered by underground moisture, the crops cultivated in such lands are not required to be watered as it gets the underground water-moisture and flourishes for harvest.

Chapter 15. What Has Been Related About *Zakāt* On The Orphan's Wealth

641. ‘Amr bin Shu‘aib narrated from his father, from his grandfather that the Prophet ﷺ addressed the people and said: “As for one who is the guardian of an orphan who has wealth, then let him do business with it and not leave it until it becomes consumed by charity.” (*Ḍa‘īf*)

Abū ‘Eīsā said: This *Ḥadīth* was only reported through this route, and there is some criticism of its chain because Al-Muthanna bin Aṣ-Ṣabbāh was considered weak in *Ḥadīth*. Some of them reported this *Ḥadīth* from ‘Amr bin Shu‘aib that ‘Umar bin Al-Khaṭṭāb, mentioned this *Ḥadīth*.

The people of knowledge differ over this topic. More than one of the Companions of the Prophet ﷺ held the view that there was *Zakāt* due on the wealth of the orphan. Among them are ‘Umar, ‘Alī, ‘Āishah, and Ibn ‘Umar. This is the saying of Mālik, Ash-Shāfi‘ī, Aḥmad and Ishāq.

A group of the people of knowledge said that there is no *Zakāt* on the orphan's wealth. This is the view of Sufyān Ath-Thawrī and ‘Abdullāh bin Al-Mubārak.

‘Amr bin Shu‘aib is Ibn Muḥammad bin ‘Abdullāh bin ‘Amr bin Al-‘Āṣ. Shu‘aib heard from his grandfather ‘Abdullāh bin ‘Amr. Yaḥya bin Sa‘eed criticized the narrations of ‘Amr bin Shu‘aib

(المعجم ١٥) - بَابُ مَا جَاءَ فِي زَكَاةِ
مَالِ الْيَتِيمِ (الحنفة ١٥)

٦٤١ - حَدَّثَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ عَنِ الْمُثَنَّى بْنِ الصَّبَّاحِ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ النَّبِيَّ ﷺ خَطَبَ النَّاسَ فَقَالَ: «أَلَا مَنْ وَلِيَ يَتِيمًا لَهُ مَالٌ فَلْيَتَجَرَّ فِيهِ وَلَا يَتْرُكْهُ حَتَّى تَأْكُلَهُ الصَّدَقَةُ».

قَالَ أَبُو عِيسَى: وَإِنَّمَا رُوِيَ هَذَا الْحَدِيثُ مِنْ هَذَا الْوَجْهِ وَفِي إِسْنَادِهِ مَقَالٌ لِأَنَّ الْمُثَنَّى ابْنَ الصَّبَّاحِ يُضَعَّفُ فِي الْحَدِيثِ. وَرَوَى بَعْضُهُمْ هَذَا الْحَدِيثَ، عَنْ عَمْرِو بْنِ شُعَيْبٍ أَنَّ عَمَرَ بْنَ الْخَطَّابِ فَذَكَرَ هَذَا الْحَدِيثَ.

وَقَدْ اخْتَلَفَ أَهْلُ الْعِلْمِ فِي هَذَا الْبَابِ، فَرَأَى غَيْرُ وَاحِدٍ مِنْ أَصْحَابِ النَّبِيِّ ﷺ فِي مَالِ الْيَتِيمِ زَكَاةً مِنْهُمْ عُمَرُ وَعَلِيٌّ وَعَائِشَةُ وَابْنُ عُمَرَ. وَبِهِ يَقُولُ مَالِكٌ وَالشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ.

وَقَالَتْ طَائِفَةٌ مِنْ أَهْلِ الْعِلْمِ: لَيْسَ فِي مَالِ الْيَتِيمِ زَكَاةٌ، وَبِهِ يَقُولُ سُفْيَانُ الثَّوْرِيُّ وَعَبْدُ اللَّهِ بْنُ الْمُبَارَكِ.

وَعَمْرُو بْنُ شُعَيْبٍ هُوَ ابْنُ مُحَمَّدٍ بْنِ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ الْعَاصِ. وَشُعَيْبٌ قَدْ سَمِعَ مِنْ جَدِّهِ عَبْدِ اللَّهِ بْنِ عَمْرٍو. وَقَدْ تَكَلَّمَ يَحْيَى ابْنُ سَعِيدٍ فِي حَدِيثِ عَمْرِو بْنِ شُعَيْبٍ وَقَالَ:

and said: "He is feeble." Those who considered him weak only said that because he narrated from the scroll of his grandfather 'Abdullāh bin 'Amr.

As for the majority of the people of *Hadīth*, they use the narrations of 'Amr bin Shu'aib for proof and considered him trustworthy, among them are Ahmad, Ishāq and others.

هُوَ عِنْدَنَا وَاهٍ. وَمَنْ ضَعَفَهُ فَإِنَّمَا ضَعَفَهُ مِنْ قَبْلِ أَنَّهُ يُحَدِّثُ مِنْ صَحِيفَةِ جَدِّهِ عَبْدِ اللَّهِ بْنِ عَمْرٍو.

وَأَمَّا أَكْثَرُ أَهْلِ الْحَدِيثِ فَيَحْتَجُّونَ بِحَدِيثِ عَمْرِو بْنِ شُعَيْبٍ وَيُسْتَوْنَهُ، مِنْهُمْ أَحْمَدُ وَإِسْحَاقُ وَغَيْرُهُمَا.

تخريج: [إسناده ضعيف] وأخرجه البيهقي: ١٠٧/٤ من حديث الوليد بن مسلم وصرح بالسماع * المثنى ضعيف ورواه مندل وهو ضعيف عن أبي إسحاق الشيباني عن عمرو بن شعيب به وللحديث طرق ضعيفة، وأخرج البيهقي عن عمر قال: "ابتغوا في أموال اليتامى لا تأكلها الصدقة" وقال: هذا إسناده صحيح.

Comments:

Although this narration, regarding the *Zakāt* due from the property of an orphan child is weak, yet its view is supported by the verdicts of various Companions. The order of paying the *Zakāt* is given to the guardian, not the child.

Chapter 16. What Has Been Related That The Injuries Caused By The Animal Are Without Liability And The *Khumus* Is Due On *Rikāz*

642. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "The injuries caused by the animal are without liability,^[1] and mines are without liability, and wells are without liability, and the *Khumus* is due on *Rikāz*."^[2] (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Anas bin Mālik, 'Abdullāh bin 'Amr, 'Ubādah bin Aṣ-Ṣāmit, 'Amr bin 'Awf Al-Muzanī, and Jābir.

(المعجم ١٦) - بَابُ مَا جَاءَ أَنَّ الْعَجَمَاءَ جُرْحَهَا جُبَارٌ وَفِي الرِّكَازِ الْخُمُسُ (التحفة ١٦)

٦٤٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ بْنُ سَعْدٍ عَنْ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ وَأَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «الْعَجَمَاءُ جُرْحَهَا جُبَارٌ، وَالْمَعْدِنُ جُبَارٌ، وَالْبُئْرُ جُبَارٌ، وَفِي الرِّكَازِ الْخُمُسُ».

[قَالَ:] وَفِي الْبَابِ عَنْ أَنَسِ بْنِ مَالِكٍ وَعَبْدِ اللَّهِ بْنِ عَمْرٍو وَعُبَادَةَ بْنِ الصَّامِتِ وَعَمْرٍو بْنِ عَوْفٍ الْمُزَنِيِّ وَجَابِرٍ.

[1] Meaning the owner of these is not liable for damages to others who suffer from them.

[2] Buried treasure. Further details related to this *Hadīth* occur when it appears again; no. 1377.

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه مسلم، الحدود، باب جرح العجماء والمعدن والبئر جبار، ح: ١٧١٠ عن قتيبة والبخاري، ح: ٦٩١٢ من حديث الليث بن سعد به * وفي الباب عن أنس بن مالك [أحمد: ١٢٨/٣] وعبدالله بن عمرو [البيهقي: ١٥٥/٤] وعبادة بن الصامت [ابن ماجه، ح: ٢٦٧٥] وعمر بن عوف المزني [ابن ماجه، ح: ٢٦٧٤] وجابر [أحمد: ٣٣٥/٣، ٣٥٣].

Comments:

An animal goes out during the day, and it is only the day time when it is taken out, and if the master is not with the animal, he is perhaps busy controlling other animals. If the animal runs away and harms or injures someone or destroys some crops; and it did not involve carelessness and negligence on the part of the master, in this situation the master of the animal is not responsible for loss and injury. But if it was through the fault and negligence of the master that he let the animal go and ignored the matter, or became busy doing something else and did not care about the animals, in this case if the animal injures someone or destroys someone's crops, the master will then be held responsible for it.

Chapter 17. What Has Been Related About *Al-Kharṣ* (Assessment)

(المعجم ١٧) - بَابُ مَا جَاءَ فِي
الْخَرْصِ (التحفة ١٧)

643. 'Abdur-Raḥmān bin Mas'ūd bin Niyār said: "Sahl bin Abī Ḥathmah came to a gathering of ours, and he narrated that the Messenger of Allāh ﷺ would say: "When you make an assessment, then take it and leave a third, if you do not leave a third, then leave a quarter." (*Ḥasan*)

He said: There are narrations on this topic from 'Āishah, 'Attāb bin Asīd, and Ibn 'Abbās.

Abū 'Eisā said: The *Ḥadīth* of Sahl bin Abī *Khatmah* is acted upon for *Al-Kharṣ* (assessment) according to most of the people of knowledge. The view of Aḥmad and Ishāq was in accordance with

٦٤٣ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ الطَّيَالِسِيُّ: حَدَّثَنَا شُعْبَةُ: أَخْبَرَنِي خُبَيْبُ بْنُ عَبْدِ الرَّحْمَنِ قَالَ: سَمِعْتُ عَبْدَ الرَّحْمَنِ بْنَ مَسْعُودٍ بْنِ نِيَارٍ يَقُولُ: جَاءَ سَهْلُ ابْنِ أَبِي حَتْمَةَ إِلَى مَجْلِسِنَا فَحَدَّثَ أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يَقُولُ: «إِذَا خَرَصْتُمْ فَخَذُوا وَدَعُوا الثُّلْثَ، فَإِنْ لَمْ تَدَعُوا الثُّلْثَ فَدَعُوا الرَّبْعَ».

قَالَ: وَفِي الْبَابِ عَنْ عَائِشَةَ وَعَتَّابِ بْنِ أَسِيدٍ وَابْنِ عَبَّاسٍ.

قَالَ أَبُو عِيسَى: وَالْعَمَلُ عَلَى حَدِيثِ سَهْلِ بْنِ أَبِي حَتْمَةَ عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ فِي

the *Hadīth* of Sahl bin Abī Khathmah.^[1]

Al-Kharṣ occurs with the appearance of the fruits of dates and grapes upon which *Zakāt* is due, then the Sulṭān sends the appraiser to make an assessment for them.

And *Al-Kharṣ* is when the one looking at it considers (the amount) and says: "This amount of raisins should be taken out for this, and this amount of dried dates should be taken out for this." So he estimates it for them, and he reckons the amount that makes up the *Ushr* which is due from them. Then he leaves them with the fruit to do as they like. When they harvest the fruit then the *Ushr* is taken from it. This is how it was interpreted by some of the people of knowledge, and it is the view of Mālik, Ash-Shāfi'i, Aḥmad, and Ishāq.

تخریج: [إسناده حسن] وأخرجه أبو داود، الزكاة، باب: في الخرص، ح: ١٦٠٥ من حديث شعبة به وصححه ابن خزيمة، ح: ٢٣١٩، ٢٣٢٠ وابن حبان (الإحسان): ٣٢٦٩ والحاكم على شرط البخاري: ٤٠٩/١ ووافقه الذهبي والحديث في مسند أبي داود الطيالسي، ح: ١٢٣٤ * وفي الباب عن عائشة [أبو داود، ح: ١٦٠٦] وعتاب بن أسيد [بأني: ٦٤٤] وابن عباس [أبو داود، ح: ٣٤١٠ وابن ماجه، ح: ١٨٢٠].

644. 'Attāb bin Asīd narrated that the Prophet ﷺ said about *Zakāt* on grape-vines: "They are to be assessed just as the date-palm is assessed. Then its *Zakāt* is paid in raisins just as the *Zakāt* for the date-palm is paid in dried dates." (*Ḍa'if*)

الْخَرْصُ، وَبِحَدِيثِ سَهْلِ بْنِ أَبِي حَتْمَةَ يَقُولُ أَحْمَدُ وَإِسْحَاقُ وَالْخَرْصُ، إِذَا أَدْرَكَتِ الثَّمَارُ مِنَ الرُّطْبِ وَالْعِنَبِ مِمَّا فِيهِ الزَّكَاةُ، بَعَثَ السُّلْطَانُ خَارِصًا فَخَرَصَ عَلَيْهِمْ. وَالْخَرْصُ أَنْ يَنْظُرَ مَنْ يُبْصِرُ ذَلِكَ يَقُولُ: يَخْرُجُ مِنْ هَذَا الزَّيْبِ كَذَا وَكَذَا وَمِنَ التَّمْرِ كَذَا وَكَذَا فَيَحْصِي عَلَيْهِمْ، وَيَنْظُرُ مَبْلَغَ الْعُشْرِ مِنْ ذَلِكَ فَيَنْتِثُ عَلَيْهِمْ ثُمَّ يَخْلِي بَيْنَهُمْ وَيَبْنِي الثَّمَارِ فَيُصْنَعُونَ مَا أَحْبَبُوا، فَإِذَا أَدْرَكَتِ الثَّمَارُ أُجِدَّ مِنْهُمْ الْعُشْرُ. هَكَذَا فَسَّرَهُ بَعْضُ أَهْلِ الْعِلْمِ. وَبِهَذَا يَقُولُ مَالِكٌ وَالشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ.

٦٤٤ - حَدَّثَنَا أَبُو عَمْرِو مُسْلِمٌ بْنُ عَمْرِو الْحَذَّاءُ الْمَدَنِيُّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نَافِعٍ [الصَّائِغُ] عَنْ مُحَمَّدِ بْنِ صَالِحِ التَّمَّارِ، عَنِ ابْنِ شَهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ عَتَّابِ بْنِ أُسَيْدٍ أَنَّ النَّبِيَّ ﷺ كَانَ يَبْعَثُ عَلَى النَّاسِ مِنْ

[1] This statement was interpreted here as it was interpreted in *Tuhfat Al-Aḥwadhī*.

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Gharib*. Ibn Juraij reported this *Ḥadīth* from Ibn Shihāb, from 'Urwah, from 'Āishah. I asked Muḥammad about this (*Ḥadīth*) and he said: "The *Ḥadīth* of Ibn Juraij is not preserved. And the *Ḥadīth* of Sa'eed bin Al-Musayyab from 'Attāb bin Asīd (is more confirmed) and more correct.

يُخْرَصُ عَلَيْهِمْ كُرُومُهُمْ وَيُمَارَهُمْ وَبِهَذَا الْإِسْنَادِ أَنَّ النَّبِيَّ ﷺ قَالَ فِي زَكَاةِ الْكُرُومِ: «إِنَّهَا تُخْرَصُ كَمَا يُخْرَصُ النَّخْلُ ثُمَّ تُؤَدَّى زَكَاتُهُ زَبِيًّا كَمَا تُؤَدَّى زَكَاةُ النَّخْلِ تَمَرًا».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ. وَقَدْ رَوَى ابْنُ جُرَيْجٍ هَذَا الْحَدِيثَ عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ. وَسَأَلْتُ مُحَمَّدًا، عَنْ هَذَا [الْحَدِيثِ] فَقَالَ: حَدِيثُ ابْنِ جُرَيْجٍ غَيْرُ مَحْفُوظٍ، وَحَدِيثُ سَعِيدِ بْنِ الْمُسَيَّبِ عَنْ عَتَّابِ بْنِ أُسَيْدٍ [أَثْبَتُ] وَأَصَحُّ.

تخریج: [إسناده ضعيف] وأخرجه ابن ماجه، الزكاة، باب خرص النخل والعنب، ح: ١٨١٩ من حديث عبدالله بن نافع به وقال أبو داود، ح: ١٦٠٣ "وسعيد لم يسمع من عتاب شيئاً" * حديث: "إنها تخرص كما يخرص النخل . . . إلخ" وصححه ابن خزيمة، ح: ٢٣١٦ وابن حبان (الإحسان: ٣٢٦٨) وقال المنذري: "انقطاعه ظاهر"، وحديث ابن جريج عند أبي عبيد في الأموال، ح: ١٤٣٨.

Comments:

It is a known statement that the Ahnāf deny the estimating to determine the amount of fruits, and it looks as if they state the *Aḥādīth* about the estimation are contrary to the *Aḥādīth* of *Muzābanah*, while these *Aḥādīth* are about selling and buying. Three *A'immah* are agreed principally on the issue of estimation, as Imām At-Tirmidhī has mentioned. For further detail see: (*Mir'āt*: 3/74-80)

Chapter 18. What Has Been Related About The One Who Works In Collecting *Sadaqah* In Truth

645. Rāfi' bin Khadij narrated: "I heard the Messenger of Allāh ﷺ saying: 'The one who works in collecting charity in truth is like the one who fights in the cause of Allāh until he returns.'" (*Ḥasan*)

Abū 'Eisā said: The *Ḥadīth* of Rāfi' bin Khadij is a *Ḥasan (Ṣaḥīḥ)*

(المعجم ١٨) - بَابُ مَا جَاءَ فِي الْعَامِلِ عَلَى الصَّدَقَةِ بِالْحَقِّ (التحفة ١٨)

٦٤٥ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: حَدَّثَنَا يَزِيدُ بْنُ عِيَاضٍ عَنْ عَاصِمِ بْنِ عُمَرَ بْنِ قَتَادَةَ؛ ح: وَحَدَّثَنَا مُحَمَّدُ ابْنُ إِسْمَاعِيلَ: حَدَّثَنَا أَحْمَدُ بْنُ خَالِدٍ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عَاصِمِ بْنِ عُمَرَ بْنِ

Hadith. Yazīd bin ‘Iyyād is weak according to the people of *Hadith*, and the *Hadith* of Muḥammad bin Ishāq is more correct.^[1]

قَتَادَةَ، عَنْ مُحَمَّدِ بْنِ لَيْدٍ، عَنْ رَافِعِ بْنِ خَدِيجٍ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «الْعَامِلُ عَلَى الصَّدَقَةِ بِالْحَقِّ كَالْعَارِي فِي سَبِيلِ اللَّهِ حَتَّى يَرْجِعَ إِلَى بَيْتِهِ».

قَالَ أَبُو عِيسَى: حَدِيثُ رَافِعِ بْنِ خَدِيجٍ حَدِيثٌ حَسَنٌ [صَحِيحٌ]. وَيَزِيدُ بْنُ عِيَاذٍ ضَعِيفٌ عِنْدَ أَهْلِ الْحَدِيثِ، وَحَدِيثُ مُحَمَّدِ ابْنِ إِسْحَاقَ أَصَحُّ.

تخريج: [إسناده حسن] وأخرجه أبو داود، الخراج والفي، السعاية على الصدقة، ح: ٢٩٣٦ من حديث ابن إسحاق به وصرح بالسماع عند أحمد: ١٤٣/٤ وصححه ابن خزيمة، ح: ٢٣٤٤ والحاكم: ٤٠٦/١ والذهبي وغيرهم.

Comments:

Offering service for public causes in the Islamic religious government is a matter of great significance and virtue; particularly, collecting the wealth for the Islamic treasury, because the Islamic treasury also spends for the welfare of men serving in the military and their families.

Chapter 19. (What Has Been Related) About The One Who Commits Transgression With Charity

646. Anas bin Mālīk narrated that the Messenger of Allāh ﷺ said: “The one who commits transgression with charity is like the one who does not pay it.” (*Hasan*)

He said: There are narrations on this topic from Ibn ‘Umar, Umm Salamah, and Abū Hurairah.

Abū ‘Eīsā said: The *Hadith* of Anas is a *Gharib Hadith* from this route.

Aḥmad bin Ḥanbal has criticized

(المعجم ١٩) - بَابُ [مَا جَاءَ] فِي الْمُعْتَدِي فِي الصَّدَقَةِ (التحفة ١٩)

٦٤٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ [سَعْدِ] بْنِ سِنَانٍ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْمُعْتَدِي فِي الصَّدَقَةِ كَمَا نَعِيهَا».

قَالَ: وَفِي الْبَابِ عَنِ ابْنِ عُمَرَ وَأُمِّ سَلَمَةَ وَأَبِي هُرَيْرَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ أَنَسٍ حَدِيثٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ.

^[1] At-Tirmidhī narrated this *Hadith* with two different chains.

Sa'd bin Sinān. This is how it was narrated by Al-Laith bin Sa'd, from Yazīd bin Abī Ḥabīb, from Sa'd bin Sinān, from Anas bin Mālīk. [‘Amr bin Al-Ḥārith and Ibn Lahī’ah said: “From Yazīd bin Abī Ḥabīb, from Sinān bin Sa’d, from Anas.”]. Abū ‘Eīsā said: I heard Muḥammad saying: “Sinān bin Sa’d is what is correct.” And regarding his saying: “The one who commits transgression with charity is like the one who does not pay it” it is as if he is saying: “For the one who commits transgression is the sin just like the one who does not pay it.”

وَقَدْ تَكَلَّمَ أَحْمَدُ بْنُ حَنْبَلٍ فِي سَعْدِ بْنِ سِنَانٍ. وَهَكَذَا يَقُولُ اللَّيْثُ بْنُ سَعْدٍ عَنْ يَزِيدَ ابْنِ أَبِي حَبِيبٍ، عَنْ سَعْدِ بْنِ سِنَانٍ، عَنْ أَنَسِ بْنِ مَالِكٍ. [وَيَقُولُ عَمْرُو بْنُ الْحَارِثِ وَابْنُ لَهْيَعَةَ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ سِنَانِ بْنِ سَعْدٍ، عَنْ أَنَسٍ]. قَالَ أَبُو عِيسَى: سَمِعْتُ مُحَمَّدًا يَقُولُ: وَالصَّحِيحُ سِنَانُ بْنُ سَعْدٍ. وَقَوْلُهُ: «الْمُعْتَدِي فِي الصَّدَقَةِ كَمَا نَعِيهَا» يَقُولُ: عَلَى الْمُعْتَدِي مِنَ الْإِثْمِ كَمَا عَلَى الْمَانِعِ إِذَا مَنَعَ.

تخريج: [إسناده حسن] وأخرجه أبو داود، الزكاة، باب: في زكاة السائمة، ح: ١٥٨٥ عن قتيبة به وصححه ابن خزيمة، ح: ٢٣٣٥ * وفي الباب عن ابن عمر [الحاكم في المستدرک: ١/ ٣٩٩] وأم سلمة [الحاكم: ١/ ٤٠٥] والبيهقي: ٤/ ١٣٧] وأبي هريرة [البيهقي: ٤/ ١١٥].

Comments:

This is the apparent and true meaning of the *Ḥadīth*, that as it is a crime and sin not to pay the *Zakāt*, likewise it is also a crime and sin that a *Zakāt* collector takes from the people more than what is due, or he takes the best quality and the fine one; because if a *Zakāt* collector deals unjustly and unfairly the people will avoid the payment of *Zakāt* and they will conceal their wealth.

Chapter 20. What Has Been Related About Pleasing the Collector of Charity

647. Jarīr narrated that the Prophet ﷺ said: “When the charity collector comes to you, then he should not depart from you except while pleased.” (*Ṣaḥīḥ*)

(المعجم ٢٠) - بَابُ مَا جَاءَ فِي رِضَا الْمُسَدِّقِ (التحفة ٢٠)

٦٤٧ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ عَنْ مُجَالِدٍ، عَنِ الشَّعْبِيِّ، عَنْ جَرِيرٍ قَالَ: قَالَ النَّبِيُّ ﷺ: «إِذَا أَتَاكُمُ الْمُسَدِّقُ فَلَا يُفَارِقْكُمْ إِلَّا عَنْ رِضَا».

تخريج: [صحيح] وأخرجه أحمد: ٤/ ٣٦٤ عن محمد بن يزيد الواسطي به ورواه مسلم، انظر الحديث الآتي.

Comments:

It is necessary that what a *Zakāt* collector tells about the *Zakāt* to be paid in the light of true reckoning, it should be paid happily; this is how the blessings of the Divine system can be gained.

648. Jarīr narrated similar (narration to no. 647 with a different chain) from the Prophet (ﷺ). (*Ṣaḥīḥ*)

Abū 'Eisā said: The narration of Dāwūd (this narration) from Ash-Sha'bī is more correct than the (previous) narration of Mujālid. Some of the people of knowledge considered Mujālid weak, and he was often mistaken.

تخريج: وأخرجه مسلم، الزكاة، باب إرضاء الساعي ما لم يطلب حراماً، ح: ١٠١٧ من حديث داود بن أبي هند به.

Chapter 21. What Has Been Related About: Charity Is Taken from The Rich To Be Distributed To The Poor

649. 'Awn bin Abī Juḥaifah narrated from his father: "The charity collector of the Prophet ﷺ came to us. So he took the charity from our rich to give it to our poor. I was a orphan boy, so he came to me and gave me a young she-camel from it." (*Ḍa'if*)

(He said:) There is a narration on this topic from Ibn 'Abbās.

Abū 'Eisā said: The *Ḥadīth* of Abī Juḥaifah is a *Ḥasan Gharīb Ḥadīth*.

تخريج: [إسناده ضعيف] وأخرجه ابن خزيمة، ح: ٢٣٦٢ عن علي بن سعيد به * حفص تابعه يحيى بن زكريا بن أبي زائدة وعباد بن العوام وإسماعيل بن زكريا وغيرهم، أشعث بن سوار ضعيف كما في التقريب وغيره * وفي الباب عن ابن عباس [البخاري، ح: ١٣٩٥ ومسلم، ح: ١٩].

Comments:

This *Ḥadīth* although it is Weak, yet this issue is mentioned in other authentic narrations that prove that the *Zakāt* will be distributed among the poor and needy people of the same city, village and area where it has been collected from the rich people of a city, village and area.

٦٤٨ - حَدَّثَنَا أَبُو عَمَّارٍ [الْحُسَيْنُ بْنُ حُرَيْثٍ]: حَدَّثَنَا سُفْيَانُ [بْنُ عُيَيْنَةَ] عَنْ دَاوُدَ، عَنِ الشَّعْبِيِّ، عَنْ جَرِيرٍ عَنِ النَّبِيِّ ﷺ بِنَحْوِهِ. قَالَ أَبُو عِيْسَى: حَدِيثُ دَاوُدَ عَنِ الشَّعْبِيِّ أَصَحُّ مِنْ حَدِيثِ مُجَالِيدٍ. وَقَدْ ضَعَّفَ مُجَالِيدًا بَعْضُ أَهْلِ الْعِلْمِ وَهُوَ كَثِيرُ الْعَلَطِ.

(المعجم ٢١) - بَابُ مَا جَاءَ أَنَّ الصَّدَقَةَ تُؤْخَذُ مِنَ الْأَغْنِيَاءِ فَتُرَدُّ عَلَى الْفُقَرَاءِ (التحفة ٢١)

٦٤٩ - حَدَّثَنَا عَلِيُّ بْنُ سَعِيدٍ الْكِنْدِيُّ [الْكُوفِيُّ]: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ عَنْ أَشْعَثَ، عَنْ عَوْنِ بْنِ أَبِي جُحَيْفَةَ، عَنْ أَبِيهِ قَالَ: قَدِمَ عَلَيْنَا مُصَدِّقُ النَّبِيِّ ﷺ فَأَخَذَ الصَّدَقَةَ مِنْ أَغْنِيَائِنَا فَجَعَلَهَا فِي فُقَرَائِنَا، وَكُنْتُ غَلَامًا يَتِيمًا فَأَعْطَانِي مِنْهَا قَلُوصًا. [قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عَبَّاسٍ. قَالَ أَبُو عِيْسَى: حَدِيثُ أَبِي جُحَيْفَةَ حَدِيثٌ حَسَنٌ غَرِيبٌ.

Chapter 22. (What Has Been Reported About) For Whom The Zakāt Is Lawful

650. ‘Abdullāh bin Mas‘ūd narrated that the Messenger of Allāh ﷺ said: “Whoever begs from the people while he has what he needs, he will come on the Day of Judgement and his begging will be scratches, or lacerations, or bite marks on his face.” They said: “O Messenger of Allāh! ‘How much is it that one needs?’ He said: ‘Fifty Dirham, or their value in gold.’” (*Da‘īf*)

He said: There is something on this topic from ‘Abdullāh bin ‘Amr.

Abū ‘Eisā said: The *Hadīth* of Ibn Mas‘ūd is a *Hasan Hadīth*, and Shu‘bah has criticized Hakīm bin Jubair due to this *Hadīth*.

(المعجم ٢٢) - بَابُ [مَا جَاءَ] مَنْ تَحِلُّ لَهُ الزَّكَاةُ (التحفة ٢٢)

٦٥٠ - حَدَّثَنَا قُتَيْبَةُ وَعَلِيُّ بْنُ حُجْرٍ، - قَالَ قُتَيْبَةُ: حَدَّثَنَا شَرِيكٌ وَقَالَ عَلِيُّ: أَخْبَرَنَا شَرِيكٌ - وَالْمَعْنَى وَاحِدٌ عَنْ حَكِيمِ بْنِ جَبْرِ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ سَأَلَ النَّاسَ وَلَهُ مَا يُغْنِيهِ جَاءَ يَوْمَ الْقِيَامَةِ وَمَسَآئِلُهُ فِي وَجْهِهِ خُمُوشٌ أَوْ خُدُوشٌ أَوْ كُدُوشٌ» قِيلَ: يَا رَسُولَ اللَّهِ! وَمَا يُغْنِيهِ؟ قَالَ: «خَمْسُونَ دِرْهَمًا أَوْ قِيمَتُهَا مِنَ الذَّهَبِ».

قَالَ: وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو. قَالَ أَبُو عِيْسَى: حَدِيثُ ابْنِ مَسْعُودٍ حَدِيثٌ حَسَنٌ، وَقَدْ تَكَلَّمَ شُعْبَةُ فِي حَكِيمِ بْنِ جَبْرِ مِنْ أَجْلِ هَذَا الْحَدِيثِ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الزكاة، باب من يعطى من الصدقة وحد الغنى، ح: ١٦٢٦ من حديث حكيم بن جبير به وقال النسائي: "حكيم ضعيف" وللثوري تدليس عجيب لأنه حدث به عن زبيد عن محمد بن عبد الرحمن بن يزيد - مقطوعاً أو مرسلأ، والله أعلم.

Comments:

Khumūsh is plural of *Khamsh*, *Khudūsh* is plural of *Khadsh*, *Kudūh* is plural of *Kad-h*, these three words mean ‘injury’, they are synonymous in meaning with a slight difference.

651. Maḥmūd bin Ghaylān narrated to us: Yahya bin Ādam narrated to us, Sufyān narrated this *Hadīth* to us from Hakīm bin Jubair. So ‘Abdullāh bin ‘Uthmān, the companion of Shu‘bah said to him (Sufyān): “If only someone besides Hakīm had narrated this (*Hadīth*).” Sufyān said to him, “So what is with Hakīm; Shu‘bah would not narrate from

٦٥١ - حَدَّثَنَا مَحْمُودُ بْنُ غَيْلَانَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ: حَدَّثَنَا سُفْيَانُ عَنْ حَكِيمِ بْنِ جَبْرِ بِهَذَا الْحَدِيثِ، فَقَالَ لَهُ عَبْدُ اللَّهِ بْنُ عُثْمَانَ صَاحِبُ شُعْبَةَ: لَوْ غَيْرَ حَكِيمٍ حَدَّثَ بِهَذَا [الْحَدِيثِ]، فَقَالَ لَهُ سُفْيَانُ: وَمَا لِحَكِيمٍ لَا يُحَدِّثُ عَنْهُ شُعْبَةُ؟ قَالَ: نَعَمْ، قَالَ

him?" He said: "Yes." So Sufyān said: "I heard Zubaid narrating this from Muḥammad bin 'Abdur-Raḥmān bin Yazīd." (*Da'īf*)^[1]

This is acted upon according to some of our companions, it is the view of Ath-Thawrī, 'Abdullāh bin Al-Mubārak, Aḥmad and Ishāq. They said that when a man has fifty Dirham, then charity is not lawful for him.

(He said:) Some of the people of knowledge did not follow the *Hadīth* of Ḥakīm bin Jubair, they were more liberal than this, saying that when he has fifty Dirham or more and he has some need, then he can accept *Zakāt*. This is the saying of Ash-Shāfi'i, and more than one of the people of *Fiqh* and knowledge.

سُفْيَانُ: سَمِعْتُ زُبَيْدًا يُحَدِّثُ بِهَذَا عَنْ مُحَمَّدٍ ابْنِ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَصْحَابِنَا. وَبِهِ يَقُولُ الثَّوْرِيُّ وَعَبْدُ اللَّهِ بْنُ الْمُبَارَكِ وَأَحْمَدُ وَإِسْحَاقُ، قَالُوا: إِذَا كَانَ عِنْدَ الرَّجُلِ خَمْسُونَ دِرْهَمًا لَمْ تَحِلَّ لَهُ الصَّدَقَةُ.

[قَالَ:] وَلَمْ يَذْهَبْ بَعْضُ أَهْلِ الْعِلْمِ إِلَى حَدِيثِ حَكِيمِ بْنِ جُبَيْرٍ وَوَسَّعُوا فِي هَذَا وَقَالُوا: إِذَا كَانَ عِنْدَهُ خَمْسُونَ دِرْهَمًا أَوْ أَكْثَرَ، وَهُوَ مُحْتَاجٌ فَلَهُ أَنْ يَأْخُذَ مِنَ الزَّكَاةِ. وَهُوَ قَوْلُ الشَّافِعِيِّ وَغَيْرِهِ مِنْ أَهْلِ الْفِقْهِ وَالْعِلْمِ.

تخريج: [ضعيف] انظر الحديث السابق لعلته.

Comments:

A person who works hard and tries his best to earn a livelihood but despite that he is unable to provide his household expenses i.e., essential life necessities, food, clothes, treatment and medicine and rent of the house etc.; he is allowed to accept charity and alms.

Chapter 23. What Has Been Related About: For Whom Charity Is Not Lawful

652. 'Abdullāh bin 'Amr narrated that the Prophet ﷺ said: "Charity is not lawful for the rich nor for the physically fit." (*Hasan*)

(He said:) There are narrations on this topic from Abū Hurairah, Ḥubshī bin Junādah, and Qabīshah bin Al-Mukhāriq.

Abū 'Eīsā said: The *Hadīth* of 'Abdullāh bin 'Amr is a *Hasan*

(المعجم ٢٣) - بَابُ مَا جَاءَ مَنْ لَا

تَحِلُّ لَهُ الصَّدَقَةُ (التحفة ٢٣)

٦٥٢ - حَدَّثَنَا [أَبُو بَكْرِ] مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبُو دَاوُدَ الطَّيَالِسِيُّ: حَدَّثَنَا سُفْيَانُ [بْنُ سَعِيدٍ]؛ ح: وَحَدَّثَنَا مَحْمُودُ بْنُ غِبْلَانَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا سُفْيَانُ عَنْ سَعْدِ ابْنِ إِبْرَاهِيمَ، عَنْ رِيحَانَ بْنِ يَزِيدَ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تَحِلُّ الصَّدَقَةُ لِعَنِيٍّ وَلَا لِذِي مِرَّةٍ سَوِيٍّ».

[1] That is the narration of Ḥakīm, not the discussion between Sufyān and 'Abdullāh.

Hadīth. This *Hadīth* has been reported with this chain from Shu'bah, from Sa'd bin Ibrāhīm, but he did not narrate it in *Marfū'* form.

It has been related in other than this *Hadīth* from the Prophet ﷺ that: "Beggings in not lawful for the rich nor for the physically fit."

When there is a strong man who has needs and he does not have anything, then it is allowed for the charity collector to give him charity according to the people of knowledge. According to some of the people of knowledge, this *Hadīth* is dealing with begging.

[قَالَ:] وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ وَحُبْشِيِّ بْنِ جُنَادَةَ وَقَبِيصَةَ بْنِ الْمُخَارِقِ.

قَالَ أَبُو عِيسَى: حَدِيثُ عَبْدِ اللَّهِ بْنِ عَمْرٍو حَدِيثٌ حَسَنٌ. وَقَدْ رَوَى شُعْبَةُ، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ هَذَا الْحَدِيثَ بِهَذَا الْإِسْنَادِ وَلَمْ يَرْفَعْهُ.

وَقَدْ رَوَى فِي غَيْرِ هَذَا الْحَدِيثِ، عَنْ النَّبِيِّ ﷺ: «لَا تَحِلُّ الْمَسْأَلَةُ لِغَنِيِّ وَلَا لِذِي مِرَّةٍ سَوِيٍّ».

وَإِذَا كَانَ الرَّجُلُ قَوِيًّا مُحْتَاجًا وَلَمْ يَكُنْ عِنْدَهُ شَيْءٌ فَتُصَدَّقَ عَلَيْهِ أَجْزَأُ عَنِ الْمُتَصَدِّقِ عِنْدَ أَهْلِ الْعِلْمِ وَوَجْهُ هَذَا الْحَدِيثِ عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ [عَلَى] الْمَسْأَلَةِ.

تخريج: [حسن] وأخرجه أبو داود، الزكاة، باب من يعطى من الصدقة وحد الغنى، ح: ١٦٣٤ من حديث سعد بن إبراهيم به وسنده حسن، وهو في مسند أبي داود الطيالسي، ح: ٢٢٧١ ومصنف عبدالرزاق، ح: ٧١٥٥ * وفي الباب عن أبي هريرة [ابن ماجه، ح: ١٨٣٩ وغيره] وحشي ابن جنادة [يأتي: ٦٥٣] وقبيصة بن المخارق [مسلم، ح: ١٠٤٤].

Comments:

He who is healthy, strong and physically fit and sound or he is wealthy; begging is not allowed for a person having such qualities. Because a wealthy person is not in need of it and other individuals can work and earn a livelihood.

653. Ḥubshī bin Junādah As-Salūlī narrated: "During the Farewell *Hajj*, while the Messenger of Allāh ﷺ was standing at 'Arafat, a Beduoin came to him begging while pulling on the edge of his *Ridā'*. He gave him something and he left. With that, begging was made unlawful, so the Messenger of Allāh ﷺ said: 'Beggings is not lawful for the rich nor for the physically fit, except for

٦٥٣ - حَدَّثَنَا عَلِيُّ بْنُ سَعِيدٍ الْكِنْدِيُّ:

حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ عَنْ مُجَالِيدٍ، عَنْ عَامِرِ الشَّعْبِيِّ، عَنْ حُبْشِيِّ بْنِ جُنَادَةَ السَّلُولِيِّ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ [يَقُولُ] فِي حَجَّةِ الْوَدَاعِ وَهُوَ وَاقِفٌ بِعَرَفَةَ أَنَّهُ أَغْرَابِيٌّ فَأَخَذَ بِطَرَفِ رِدَائِهِ فَسَأَلَهُ إِيَّاهُ فَأَعْطَاهُ وَذَهَبَ فَعِنْدَ ذَلِكَ حُرِّمَتِ الْمَسْأَلَةُ فَقَالَ

the one who is severely poor or in perilous debt. And whoever begs the people (merely) to increase his wealth, then on the Day of Judgement (the wealth he begged for) will be lacerations on his face and heated coals from Hell will be provided for him to eat. Whoever wishes, let him take a little, and whoever wishes, then let him take a lot.” (Da‘īf)

رَسُولُ اللَّهِ ﷺ: «إِنَّ الْمَسْأَلَةَ لَا تَحِلُّ لِعَنِي وَلَا لِمَنْ يَسْأَلُ بِمَنْزِلَتِي، إِلَّا لِمَنْ يَسْأَلُ بِمَنْزِلَتِي وَأَوْ غَرَمٌ مُقْطِعٌ، وَمَنْ سَأَلَ النَّاسَ لِيُثَرِّيَ بِهِ مَالَهُ كَانَ خُمُوشًا فِي وَجْهِهِ يَوْمَ الْقِيَامَةِ وَرَضْفًا يَأْكُلُهُ مِنْ جَهَنَّمَ، وَمَنْ شَاءَ فَلْيُقِلِّ وَمَنْ شَاءَ فَلْيَكْثِرْ».

تخريج: [إسناده ضعيف] وأخرجه الطبراني في الكبير: ١٤/٤، ح: ٣٥٠٤ من حديث عبد الرحيم بن سليمان به، مجالد بن سعيد ضعيف من جهة سوء حفظه.

Comments:

This *Hadīth* also proves that a person should work hard to earn according to his best ability, and he should not stretch a begging hand before others.

654. There is another chain with a similar narration. (Da‘īf)

Abū ‘Eīsā said: This *Hadīth* is *Gharīb* from this route.

٦٥٤ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ عَنْ عَبْدِ الرَّحِيمِ بْنِ سُلَيْمَانَ نَحْوَهُ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ.

تخريج: [ضعيف] انظر الحديث السابق.

Chapter 24. (What Has Been Related About) The Indebted And Others For Whom Charity Is Lawful

(المعجم ٢٤) - بَابُ [مَا جَاءَ] مَنْ تَحِلُّ لَهُ الصَّدَقَةُ مِنَ الْغَارِمِينَ وَغَيْرِهِمْ (التحفة ٢٤)

255. Abū Sa‘eed Al-Khudrī narrated: “During the time of the Messenger of Allāh ﷺ, a man suffered a loss on fruits that he had sold, resulting in more debt. The Messenger of Allāh ﷺ said: ‘Give him charity.’ So the people gave him charity but it did not cover his debt.

٦٥٥ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ الْأَشَّجِ، عَنْ عِيَّاضِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ قَالَ: أَصِيبَ رَجُلٌ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ فِي ثِمَارٍ ابْتَاعَهَا فَكَثُرَ دَيْنُهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «تَصَدَّقُوا عَلَيْهِ»، فَتَصَدَّقَ النَّاسُ عَلَيْهِ فَلَمْ يَلْغُ ذَلِكَ وَفَاءَ دَيْنِهِ،

So the Messenger of Allāh ﷺ said to his debtors: "Take what you have and there is nothing for you but that." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from 'Āishah, Juwairiyah, and Anas.

Abū 'Eisā said: The *Ḥadīth* of Abū Sa'eed is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

فَقَالَ رَسُولُ اللَّهِ ﷺ لِعُرْمَائِهِ: «خُذُوا مَا وَجَدْتُمْ وَلَيْسَ لَكُمْ إِلَّا ذَلِكَ».

[قَالَ:] وَفِي الْبَابِ عَنْ عَائِشَةَ وَجُوَيْرِيَةَ وَأَنْسٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي سَعِيدٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: وأخرجه مسلم، المساقاة، باب استحباب الوضع من الدين، ح: ١٥٥٦ عن قتيبة به * وفي الباب عن عائشة [البیهقي: ٢٢/٧] وجويرية [لعله يشير إلى حديث المستدرک: ٢٨/٤] وأنس [أبو داود، ح: ١٦٤١].

Comments:

If a person made an enormous, unbearable and unrecoverable loss in business and making up this loss is out of his control and ability; such a person should be aided with charity and alms.

Chapter 25. What Has Been Related About It Being Disliked For The Prophet ﷺ, His Household, And His *Mawālī*^[1] To Accept Charity

656. Bahz bin Ḥakīm narrated from his father, from his grandfather who said: "When something was brought to him, the Messenger of Allāh ﷺ would ask: 'Is this charity or a gift?' If they said: 'Charity.' He would not eat it, and if they said, 'A gift' he would eat it." (*Ḥasan*)

(He said:) There are narrations on this topic from Salmān, Abū Hurairah, Anas, Al-Ḥasan bin 'Alī, Abū 'Amīrah the grandfather of Mu'arrāf bin Wāsil, and his name is Rushaid bin Mālik, and Maimūn (bin) Mihrān, Ibn 'Abbās, 'Abdullāh bin 'Amr, and Abū Rāfi'.

(المعجم ٢٥) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ الصَّدَقَةِ لِلنَّبِيِّ ﷺ وَأَهْلِ بَيْتِهِ وَمَوَالِيهِ (النخفة ٢٥)

٦٥٦ - حَدَّثَنَا بُنْدَارٌ: حَدَّثَنَا مَكِّي بْنُ إِبْرَاهِيمَ وَيُوسُفُ بْنُ يَعْقُوبَ الصُّبُعِيُّ قَالَا: حَدَّثَنَا بَهْزُ بْنُ حَكِيمٍ عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا أُتِيَ بِشَيْءٍ سَأَلَ: «أَصَدَقَةٌ هِيَ أَمْ هَدِيَّةٌ؟» فَإِنْ قَالُوا: صَدَقَةٌ، لَمْ يَأْكُلْ، وَإِنْ قَالُوا: هَدِيَّةٌ، أَكَلَ.

[قَالَ:] وَفِي الْبَابِ عَنْ سَلْمَانَ وَأَبِي هُرَيْرَةَ وَأَنْسٍ وَالْحَسَنِ بْنِ عَلِيٍّ وَأَبِي عَمِيرَةَ جَدِّ مُعَرِّفِ بْنِ وَاصِلٍ - وَاسْمُهُ رُشَيْدُ بْنُ مَالِكٍ - وَمَيْمُونِ [بْنِ] مِهْرَانَ وَابْنِ عَبَّاسٍ

^[1] *Mawālī* plural of *Mawlā*. When a slave is freed he is considered similar to a family member of the one who freed him, and called a *Mawlā*, or, one who has allegiance.

and ‘Abdur-Rahmān bin ‘Alqamah.

This *Hadīth* has also been reported from ‘Abdur-Rahmān bin ‘Alqamah, from ‘Abdur-Rahmān bin Abī ‘Aqil, from the Prophet ﷺ. The name of Bahz bin Ḥakīm’s grandfather was Mu‘āwiyah bin Ḥaidah Al-Qushairī.

Abū ‘Eīsā said: The *Hadīth* of Bahz bin Ḥakīm is a *Ḥasan Gharīb Hadīth*.

وَعَبْدُ اللَّهِ بْنُ عَمْرٍو وَأَبِي رَافِعٍ وَعَبْدُ الرَّحْمَنِ
ابْنِ عَلْقَمَةَ.

وَقَدْ رُوِيَ هَذَا الْحَدِيثُ أَيْضًا عَنْ عَبْدِ
الرَّحْمَنِ بْنِ عَلْقَمَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي
عَقِيلٍ عَنِ النَّبِيِّ ﷺ. وَجَدُ بَهْزُ بْنُ حَكِيمٍ
اسْمُهُ مُعَاوِيَةُ بْنُ حَيْدَةَ الْقُشَيْرِيُّ.

قَالَ أَبُو عِيْسَى: حَدِيثُ بَهْزِ بْنِ حَكِيمٍ
حَدِيثٌ حَسَنٌ غَرِيبٌ.

تخريج: [إسناده حسن] وأخرجه النسائي، الزكاة، باب الصدقة لا تحل للنبي ﷺ: ١٠٧/٥،
ح: ٢٦١٤ من حديث بهز بن حكيم به وله شواهد عند البخاري، ح: ٢٥٧٦ وغيره * وفي الباب
عن سلمان [أحمد: ٤٣٧/٥] وأبي هريرة [البخاري، ح: ٢٥٧٦، ومسلم، ح: ١٠٧٧] وأنس
[البخاري، ح: ٢٥٧٧، ومسلم، ح: ١٠٧٤] والحسن بن علي [أحمد: ٢٠٠/١] وابن خزيمة،
ح: ٢٣٤٧] وأبي عميرة رُشيد بن مالك [أحمد: ٤٨٩/٣، ٤٩٠] وميمون بن مهران [أحمد: ٣٤/٤]
وعبدالرزاق: ٥١/٤، ح: ٦٩٤٢] وابن عباس [الطبراني في الكبير: ٣٧٩/١١، ح: ١٢٠٥٩]
وعبدالله بن عمرو [أحمد: ١٨٣/٢، ١٩٣] وأبي رافع [يأتي: ٦٥٧] وعبدالرحمن بن علقمة
[النسائي، ح: ٣٧٨٩] * حديث عبدالرحمن بن أبي عقيل، لعله يشير إلى حديثه عند أبي نعيم في
معرفة الصحابة: ١٨٤٣/٤، ح: ٤٦٤٩ وابن أبي عاصم في الأحاد والمثاني: ٢٣٩/٣، ح: ١٦٠٠.
وليس فيه ذكر الصدقة، ويريد الإمام الترمذي رحمه الله بيان اختلاف السند، والله أعلم.

Comments:

The Prophet ﷺ would accept gifts, and normally he would give gifts in return, but as for charity he would give it to those individuals who deserved and he ﷺ never accepted it for himself.

657. Abū Rāfi‘ (may Allāh be pleased with him) narrated that the Messenger of Allāh ﷺ sent a man from Banū Makhzūm to collect charity, so he said to Abū Rāfi‘: “Accompany me so that perhaps you may have some of it.” So he said: “Not until I ask the Messenger of Allāh ﷺ.” So he went to the Prophet ﷺ to ask him, and he said: “Charity is not lawful for us, and to be the *Mawla* of a people is to be the same as them.” (*Ṣaḥīḥ*)

٦٥٧ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ:
حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ
الْحَكَمِ، عَنِ ابْنِ أَبِي رَافِعٍ، عَنْ أَبِي رَافِعٍ
[رَضِيَ اللَّهُ عَنْهُ] أَنَّ رَسُولَ اللَّهِ ﷺ بَعَثَ رَجُلًا
مِنْ بَنِي مَخْزُومٍ عَلَى الصَّدَقَةِ، فَقَالَ لِأَبِي
رَافِعٍ: اصْحَبْنِي كَيْمَا تُصِيبَ مِنْهَا، فَقَالَ: لَا،
حَتَّى آتِيَ رَسُولَ اللَّهِ ﷺ فَاسْأَلَهُ، فَانْطَلَقَ إِلَى
النَّبِيِّ ﷺ فَسَأَلَهُ فَقَالَ: «إِنَّ الصَّدَقَةَ لَا تَحِلُّ لَنَا

(Abū 'Eīsā) said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. The name of Abū Rāfi', the *Mawlā* of the Prophet ﷺ, is Aslam, and the son of Abū Rāfi' is 'Ubaidullāh bin Abī Rāfi', the scribe of 'Alī bin Abī Ṭālib (may Allāh be pleased with him).

وَأَنَّ مَوَالِي الْقَوْمِ مِنْ أَنْفُسِهِمْ. قَالَ [أَبُو عِيسَى]: وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَأَبُو رَافِعٍ مَوْلَى النَّبِيِّ ﷺ اسْمُهُ أَسْلَمٌ وَابْنُ أَبِي رَافِعٍ هُوَ عُبَيْدُ اللَّهِ بْنُ أَبِي رَافِعٍ كَاتِبٌ عَلِيِّ بْنِ أَبِي طَالِبٍ [رَضِيَ اللَّهُ عَنْهُ].

تخریج: [صحیح] وأخرجه أبو داود، الزكاة، باب الصدقة على بني هاشم، ح: ١٦٥٠ من حديث شعبة به وصححه ابن خزيمة، ح: ٢٣٤٤ وابن حبان (الإحسان): ٣٢٨٢، والحاكم على شرط الشيخين: ٤٠٤١، ووافقه الذهبي وله شواهد كثيرة عند البخاري مسلم وغيرهما.

Comments:

It is unanimously agreed that the Prophet ﷺ was not allowed to accept for himself any type of charity whether obligatory or voluntary. According to Imām *Ash-Shāfi'ī*, 'for us' means the offspring of Hāshim and Abdul-Muṭṭalib; Amīr Yamāni also supported this opinion in '*Subulus-Salām*: 2/214.

Chapter 26. What Has Been Related About Charity For Near Relatives

(المعجم ٢٦) - بَابُ مَا جَاءَ فِي الصَّدَقَةِ عَلَى ذِي الْقَرَابَةِ (التحفة ٢٦)

658. Ḥaṣṣah bint Sirīn narrated from Ar-Rabāb, from her uncle Salmān bin 'Āmir that he related that the Prophet ﷺ said: "When one of you breaks his fast, then let him do so with dried dates, for they are blessed. Whoever does not find dates, then water, for it is purifying." And he said: "Charity given to the needy is (counted as) charity, and if it is given to relatives it is (counted as) two: charity and nurturing (the ties of kinship)." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Zainab the wife of 'Abdullāh bin Mas'ūd, Jābir, and Abū Hurairah.

Abū 'Eīsā said: The *Ḥadīth* of Salmān bin 'Āmir is a *Ḥasan Ḥadīth*. Ar-Rabāb is Umm Ar-

٦٥٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَاصِمٍ [الْأَحْوَلِ]، عَنْ حَفْصَةَ بِنْتِ سِيرِينَ، عَنِ الرَّبَابِ، عَنْ عَمِّهَا سَلْمَانَ بْنِ عَامِرٍ يَبْلُغُ بِهِ النَّبِيُّ ﷺ قَالَ: «إِذَا أَفْطَرَ أَحَدُكُمْ فَلْيُفْطِرْ عَلَى تَمَرٍ فَإِنَّهُ بَرَكَةٌ، فَإِنْ لَمْ يَجِدْ تَمَرًا فَلِأَمَاءٍ فَإِنَّهُ طَهُورٌ» وَقَالَ: «الصَّدَقَةُ عَلَى الْمُسْكِينِ صَدَقَةٌ، وَهِيَ عَلَى ذِي الرَّحِمِ ثِنْتَانِ صَدَقَةٌ وَصِلَةٌ».

[قَالَ:] وَفِي الْبَابِ عَنْ زَيْنَبِ امْرَأَةِ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ وَجَابِرٍ وَأَبِي هُرَيْرَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ سَلْمَانَ بْنِ عَامِرٍ حَدِيثٌ حَسَنٌ. وَالرَّبَابُ هِيَ أُمُّ الرَّائِحِ ابْنَةُ صُلَيْعٍ. وَهَكَذَا رَوَى سُفْيَانُ الثَّوْرِيُّ عَنْ

Rā'ih bint Ṣulāī'. This is how a similar *Hadīth* was reported by Sufyān Ath-Thawrī, from 'Āsim, from Ḥaḥṣah bint Sīrīn, from Ar-Rabāb, from Salmān bin 'Āmir, from the Prophet ﷺ. And Shu'bah reported it from 'Āsim, from Ḥaḥṣah bint Sīrīn, from Salmān bin 'Āmir, and he did not mention "From Ar-Rabāb" in it. The narrations of Sufyān Ath-Thawrī and Ibn 'Uyainah (narrators in the chain of this *Hadīth*) are more correct. Similarly, it was reported by Ibn 'Awn and Hishām bin Ḥassān from Ḥaḥṣah bint Sīrīn, from Ar-Rabāb, from Salmān bin 'Āmir.

عَاصِمٍ، عَنْ حَفْصَةَ بِنْتِ سِيرِينَ، عَنِ الرَّبَّابِ، عَنْ سَلْمَانَ بْنِ عَامِرٍ عَنِ النَّبِيِّ ﷺ نَحْوَ هَذَا الْحَدِيثِ. وَرَوَى شُعْبَةُ عَنْ عَاصِمٍ، عَنْ حَفْصَةَ بِنْتِ سِيرِينَ، عَنْ سَلْمَانَ بْنِ عَامِرٍ وَلَمْ يَذْكُرْ فِيهِ، عَنِ الرَّبَّابِ. وَحَدِيثُ سُفْيَانَ الثَّوْرِيِّ وَابْنِ عُيَيْنَةَ أَصَحُّ. وَهَكَذَا رَوَى ابْنُ عُيَيْنَةَ وَهَشَامُ بْنُ حَسَّانَ عَنْ حَفْصَةَ بِنْتِ سِيرِينَ، عَنِ الرَّبَّابِ، عَنْ سَلْمَانَ بْنِ عَامِرٍ.

تخريج: [صحيح] وأخرجه أبو داود، الصيام، باب ما يفطر عليه، ح: ٢٣٥٥ من حديث عاصم الأحول به وصححه ابن خزيمة، ح: ٢٠٦٧ وابن حبان، ح: ٨٩٢، ٨٩٣ وأبو حاتم الرازي والحاكم: ٤٣١/١ والذهبي ولم أر لمضعفه حجة * وفي الباب عن زينب امرأة عبدالله بن مسعود [البخاري، ح: ١٤٦٦ ومسلم، ح: ١٠٠٠ وجابر [أحمد: ٣/٣٢٩، ٣٤٦] وأبي هريرة [البخاري، ح: ١٤٢٦ ومسلم، ح: ١٠٤٢].

Comments:

A person has two types of relatives: a): The origin i.e. parents, children and spouse; b): and other than the origin like: paternal and maternal uncles etc. A person is responsible for the expenses and maintenance of the first type of relatives, therefore they are not entitled to take *Zakāt*, yet the voluntary charity may be given to them. Other type of relatives for whom a person is not responsible for expenses and maintenance, any type of charity, obligatory or voluntary, may be given to them and doing so on the basis of keeping the tie of relations will have the reward two-fold.

Chapter 27. What Has Been Related About: There Is A Duty On Wealth Aside From *Zakāt*

(المعجم ٢٧) - بَابُ مَا جَاءَ أَنَّ فِي الْمَالِ حَقًّا سِوَى الزَّكَاةِ (التحفة ٢٧)

659. Fāṭimah bint Qais narrated that she asked – or, the Prophet ﷺ was asked – about *Zakāt*, and he

٦٥٩ - حَدَّثَنَا مُحَمَّدُ [بْنُ أَحْمَدَ] بْنُ مَدُونَةَ: حَدَّثَنَا الْأَسْوَدُ بْنُ عَامِرٍ عَنْ شَرِيكَ،

said: "Indeed there is a duty on wealth aside from *Zakāt*." Then he recited this *Āyah* which is in *Al-Baqarah*: 'It is not *Al-Birr* (piety, righteousness) that you turn your faces.' (*Al-Baqarah* 2:177) (*Ḍaʿīf*)

عَنْ أَبِي حَمْزَةَ، عَنِ الشَّعْبِيِّ، عَنْ فَاطِمَةَ ابْنَةِ قَيْسٍ قَالَتْ: سَأَلْتُ أَوْ سَمِعْتُ النَّبِيَّ ﷺ عَنْ الزَّكَاةِ فَقَالَ: «إِنَّ فِي الْمَالِ لَحَقًّا سِوَى الزَّكَاةِ» ثُمَّ تَلَا هَذِهِ الْآيَةَ الَّتِي فِي الْبَقَرَةِ: ﴿لَيْسَ الْبِرُّ أَنْ تُوَلُّوا وُجُوهَكُمْ﴾ الْآيَةَ. [البقرة: ١٧٧].

تخریج: [إسناده ضعيف] وأخرجه ابن ماجه، الزكاة، باب ما أدى زكاته فليس بكنز، ح: ١٧٨٩ من حديث شريك القاضي به، أبو حمزة ميمون الأعور ضعيف، انظر الحديث الآتي.

Comments:

It is said in this Verse 'he paid the *Zakāt*' in addition to that it is also said 'he spent the wealth in spite of love for it' he spent on close relatives, poor, wayfarers, those who ask for it and to set the slaves free. It is known from this Verse that besides the *Zakāt* which is a compulsory and a specified duty, there are other various rights due from the wealth which are provisional and temporary and they are related to the catastrophic incidents and needs.

660. Fāṭimah bint Qais narrated that the Prophet ﷺ said: "Indeed there is a duty on wealth aside from *Zakāt*." (*Ḍaʿīf*)

Abū 'Eisā said: The chain for this *Ḥadīth* is not that strong. Abū Ḥamzah Maimūn Al-A'war was graded weak, and Bayān as well as Ismā'il bin Sālim reported this *Ḥadīth* from Ash-Sha'bī as his own saying, and this is more correct.

٦٦٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ: حَدَّثَنَا مُحَمَّدُ بْنُ الطُّفَيْلِ عَنْ شَرِيكَ، عَنْ أَبِي حَمْزَةَ، عَنْ عَامِرٍ [الشَّعْبِيِّ]، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّ فِي الْمَالِ حَقًّا سِوَى الزَّكَاةِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ إِسْنَادُهُ لَيْسَ بِذَلِكَ. وَأَبُو حَمْزَةَ مَيْمُونُ الْأَعْوَرُ يُضَعَّفُ وَرَوَى بَيَّانٌ وَإِسْمَاعِيلُ بْنُ سَالِمٍ عَنِ الشَّعْبِيِّ هَذَا الْحَدِيثَ. قَوْلُهُ وَهَذَا أَصَحُّ.

تخریج: [ضعيف] انظر الحديث السابق.

Comments:

Although this *Ḥadīth* and the previous one are weak yet the subject is correct in meaning.

Chapter 28. What Has Been Related About The Virtue Of Charity

661. Abū Hurairah narrated that the Messenger of Allāh ﷺ said:

(المعجم ٢٨) - بَابُ مَا جَاءَ فِي فَضْلِ

الصَّدَقَةِ (التحفة ٢٨)

٦٦١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ بْنُ

“None gives charity from *Tayyib*^[1] – and Allāh does not accept but *Tayyib* – but that Ar-Raḥmān accepts it with His Right (Hand). Even if it is a date, it is nurtured in the Hand of Ar-Raḥmān until it is greater than a mountain, just as one of you nurtures his foal or young camel.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from ‘Āishah, ‘Adī bin Ḥātim, Anas, ‘Abdullāh bin Abī ‘Awfa, (Ḥārithah bin Wahb), ‘Abdur-Raḥmān bin ‘Awf, and Buraidah. Abū ‘Eīsā said: The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

سَعْدٌ عَنْ سَعِيدٍ [بْنِ أَبِي سَعِيدٍ] الْمَقْبَرِيِّ، عَنْ سَعِيدِ بْنِ يَسَارٍ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا تَصَدَّقَ أَحَدٌ بِصَدَقَةٍ مِنْ طَيِّبٍ وَلَا يَقْبَلُ اللَّهُ إِلَّا الطَّيِّبَ إِلَّا أَخَذَهَا الرَّحْمَنُ بِيَمِينِهِ وَإِنْ كَانَتْ تَمْرَةً تَزْبُو فِي كَفِّ الرَّحْمَنِ حَتَّى تَكُونَ أَعْظَمَ مِنَ الْجَبَلِ، كَمَا يُرَبِّي أَحَدَكُمْ فَلَوْهُ أَوْ فَصِيلُهُ».

[قَالَ:] وَفِي الْبَابِ عَنْ عَائِشَةَ وَعَدِيِّ بْنِ حَاتِمٍ وَأَنْسٍ وَعَبْدِ اللَّهِ بْنِ أَبِي أَوْفَى [وَحَارِثَةَ ابْنِ وَهْبٍ] وَعَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ وَبُرَيْدَةَ. قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه مسلم، الزكاة، باب قبول الصدقة من الكسب الطيب وتربيتها، ح: ١٠١٤ عن قتيبة والبخاري، ح: ٧٤٣٠ من حديث سعيد بن يسار به * وفي الباب عن عائشة [مسلم، ح: ١٠٠٧، ١٠٢٤] وعدي ابن حاتم [البخاري، ح: ١٤١٣، ومسلم: ١٠١٦] وأنس [يأتي: ٦٦٣] وعبدالله بن أبي أوفى [البخاري، ح: ١٤٩٧، ومسلم، ح: ١٠٧٨] وحارثة بن وهب [البخاري، ح: ١٤١١، ومسلم، ح: ١٠١١] وعبدالرحمن بن عوف [أحمد: ١/١٩٣ وعبد بن حميد، ح: ١٥٩] وبريدة [أحمد: ٥/٣٥٠ وابن خزيمة، ح: ٢٤٥٧].

Comments:

This *Ḥadīth* tells that pure and fine things should be donated for the sake of Allāh and Allāh ﷻ accepts such things with great kindness and love.

662. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Indeed Allāh accepts charity, and He accepts it with His Right (Hand) to nurture it for one of you, just like one of you would nurture his foal, until the bite (of food) becomes as large as Uḥūd.” The Book of Allāh, the Mighty and Sublime testifies to that: ‘He accepts repentance from

٦٦٢ - حَدَّثَنَا أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا عَبَادُ بْنُ مَنْصُورٍ: حَدَّثَنَا الْقَاسِمُ بْنُ مُحَمَّدٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ اللَّهَ يَقْبَلُ الصَّدَقَةَ وَيَأْخُذُهَا بِيَمِينِهِ فِيرَبِّيَهَا لِأَحَدِكُمْ كَمَا يُرَبِّي أَحَدَكُمْ مَهْرَهُ، حَتَّى إِنَّ اللَّقْمَةَ لَتَصِيرُ مِثْلَ

^[1] Good and lawful.

His worshippers, and accepts charity.^[1]

And: 'Allāh will destroy Ribā and will give increase for charity.'^[2] (Abū 'Eisā) said: This *Ḥadīth* is (*Ḥasan*) *Ṣaḥīḥ*. It has been reported from 'Aishah from the Prophet ﷺ similarly. More than one of the people of knowledge have spoken about this *Ḥadīth*, and the narrations that resemble it about the Attributes and the Descent of the Lord, Blessed and Most High, every night to the lowest Heaven. They said: "The narrations about these are affirmed and should be believed in without misinterpreting them nor saying 'how'." It has been reported like this from Mālik (bin Anas), Sufyān bin 'Uyainah, 'Abdullāh bin Al-Mubārak; they would say about these *Aḥadīth*: They are conveyed without saying how. This is the view of the people of knowledge among *Ahl As-Sunnah wal-Jamā'ah*. As for the Jahmiyyah, they reject these narrations and they say that this is *Tashbīh*.^[3] And in other places in His Book, Allāh, Blessed and Most High is He, has mentioned the Hand, the Hearing, the Seeing, so the Jahmiyyah misinterpret these *Āyāt* and give them interpretations other than the interpretations of the people of knowledge. They say that Allāh did not create Ādam with His Hand, and they say the meaning of Hand is merely power. Ishāq bin

أَحَدٍ»، وَتَصْدِيقُ ذَلِكَ فِي كِتَابِ اللَّهِ عَزَّ وَجَلَّ ﴿هُوَ يَقْبَلُ التَّوْبَةَ عَنْ عِبَادِهِ وَيَأْخُذُ الصَّدَقَاتِ﴾ [التوبة: ١٠٤] وَ﴿يَمْسُحُ اللَّهُ أَلْيَؤَا وَيُرِي الصَّدَقَاتِ﴾ [البقرة: ٢٧٦].

قَالَ [أَبُو عِيْسَى]: هَذَا حَدِيثٌ [حَسَنٌ] صَحِيحٌ.

وَقَدْ رَوَى عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ نَحْوُ هَذَا.

وَقَدْ قَالَ غَيْرُ وَاحِدٍ مِنْ أَهْلِ الْعِلْمِ فِي هَذَا الْحَدِيثِ وَمَا يُشَبِّهُ هَذَا مِنَ الرِّوَايَاتِ مِنَ الصِّفَاتِ وَنُزُولِ الرَّبِّ تَبَارَكَ وَتَعَالَى كُلُّ لَيْلَةٍ إِلَى السَّمَاءِ الدُّنْيَا، قَالُوا: قَدْ تَبَيَّنَتِ الرِّوَايَاتُ فِي هَذَا وَيُؤْمَنُ بِهَا وَلَا يَتَوَهَّمُ وَلَا يُقَالُ كَيْفَ؟ هَكَذَا رَوَى، عَنْ مَالِكٍ [بْنِ أَنَسٍ] وَسُفْيَانَ بْنِ عُيَيْنَةَ وَعَبْدَ اللَّهِ بْنَ الْمُبَارَكِ أَتَاهُمْ قَالُوا فِي هَذِهِ الْأَحَادِيثِ: أَمَرُوهَا بِلَا كَيْفَ، وَهَكَذَا قَوْلُ أَهْلِ الْعِلْمِ مِنْ أَهْلِ السُّنَّةِ وَالْجَمَاعَةِ. وَأَمَّا الْجَهْمِيَّةُ فَانْكَرَتْ هَذِهِ الرِّوَايَاتِ وَقَالُوا هَذَا تَشْبِيهُ. وَقَدْ ذَكَرَ اللَّهُ تَبَارَكَ وَتَعَالَى فِي غَيْرِ مَوْضِعٍ مِنْ كِتَابِهِ الْيَدَ وَالسَّمْعَ وَالْبَصَرَ فَتَأَوَّلَتِ الْجَهْمِيَّةُ هَذِهِ الْآيَاتِ وَفَسَّرُوهَا عَلَى غَيْرِ مَا فَسَّرَ أَهْلُ الْعِلْمِ، وَقَالُوا: إِنَّ اللَّهَ لَمْ يَخْلُقْ آدَمَ بِيَدِهِ، وَقَالُوا: إِنَّمَا مَعْنَى الْيَدِ الْقُوَّةُ.

[1] *At-Tawbah* 9:104.

[2] *Al-Baqarah* 2:276.

[3] Anthropomorphism, resembling Allāh to creatures.

Ibrāhīm said: *At-Tashbīh* is only when one says 'Hand; like a hand or similar to a hand' or 'Hearing; like hearing or similar to hearing.' So when one says 'Hearing; like hearing or similar to hearing' then this is the *Tashbīh*. As for when one says as Allāh (Most High) said, Hand, Hearing, Seeing, and he does not say 'how' nor say 'similar to hearing' nor 'like hearing' then this is not *Tashbīh*. It is merely as Allāh, Blessed and Most High is He said: 'There is nothing like Him, and He is the All-Hearing, the All-Seeing.' (*Ash-Shūra* 42:11).

وَقَالَ إِسْحَاقُ بْنُ إِبْرَاهِيمَ: إِنَّمَا يَكُونُ التَّشْبِيهُ إِذَا قَالَ يَدٌ كَيْدٌ أَوْ مِثْلُ يَدٍ، أَوْ سَمْعٌ كَسَمْعٍ أَوْ مِثْلُ سَمْعٍ، فَإِذَا قَالَ سَمْعٌ كَسَمْعٍ أَوْ مِثْلُ سَمْعٍ فَهَذَا التَّشْبِيهُ. وَأَمَّا إِذَا قَالَ كَمَا قَالَ اللَّهُ [تَعَالَى] يَدٌ وَسَمْعٌ وَبَصَرٌ وَلَا يَقُولُ كَيْفَ وَلَا يَقُولُ مِثْلُ سَمْعٍ وَلَا كَسَمْعٍ فَهَذَا لَا يَكُونُ تَشْبِيْهًا وَهُوَ كَمَا قَالَ اللَّهُ تَبَارَكَ وَتَعَالَى فِي كِتَابِهِ: ﴿لَيْسَ كَمِثْلِهِ شَيْءٌ وَهُوَ السَّمِيعُ الْبَصِيرُ﴾ [الشورى: ١١].

تخريج: [إسناده ضعيف] وأخرجه أحمد: ٤٧١/٢ عن وكيع به وصححه ابن خزيمة، ح: ٢٤٢٧ عباد بن منصور ضعيف، والحديث السابق يعني عنه.

Comments:

As the reality and condition of Allāh's Self is beyond our imagination, thinking, intellect and wisdom likewise the reality, condition and position of His Attributes is beyond our imagination, thinking, intellect, understanding and wisdom. Therefore to deny the Attributes, to misinterpret, to distort, to refuse, to explain resemblance and condition is just to lose the right path.

663. Anas narrated that the Prophet ﷺ was asked which fast was most virtuous after Ramaḍān? He said: "Sha'bān in honor of Ramaḍān" He said: "Which charity is best?" He (ﷺ) said: "Charity in Ramaḍān." (*Da'if*)

Abū 'Eīsā said: This *Ḥadīth* is *Gharīb*, and (the narrator) Ṣadaqaḥ bin Mūsā is not that strong according to them.

٦٦٣ - حَدَّثَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا صَدَقَةُ بْنُ مُوسَى عَنْ ثَابِتٍ، عَنْ أَنَسٍ قَالَ: سُئِلَ النَّبِيُّ ﷺ: أَيُّ الصَّوْمِ أَفْضَلُ بَعْدَ رَمَضَانَ؟ فَقَالَ: «شَعْبَانَ لِتَعْظِيمِ رَمَضَانَ»، قَالَ: فَأَيُّ الصَّدَقَةِ أَفْضَلُ؟ قَالَ: «الصَّدَقَةُ فِي رَمَضَانَ». قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ. وَصَدَقَةُ بْنُ مُوسَى لَيْسَ عَنْدهُمْ بِذَاكَ الْقَوِيُّ.

تخريج: [إسناده ضعيف] وأخرجه ابن أبي شيبة: ١٠٣/٣، ح: ٩٧٦٣ من حديث صدقة بن موسى به مختصراً جداً وهو في شرح السنة للبخاري: ٣٢٩/٦، ح: ١٧٧٨ من حديث الترمذي به * صدقة بن موسى ضعيف، ضعفه الجمهور.

Comments:

It is a narration of *Ṣaḥīḥ Muslim* that after Ramaḍān the fasting of Muḥarram is more virtuous. (*Ṣaḥīḥ Muslim, Ḥadīth: 1163*). So the narration of *Ṣaḥīḥ Muslim* gets preference over this Weak narration.

664. Anas bin Mālik narrated that the Messenger of Allāh ﷺ said: "Indeed charity extinguishes the Lord's anger and it protects against the evil death."^[1] (*Da'if*)

(Abū 'Eisā said:) This *Ḥadīth* is *Ḥasan Gharīb* from this route.

٦٦٤ - حَدَّثَنَا عُقْبَةُ بْنُ مُكْرَمٍ [الْعَمِّي] الْبَصْرِيُّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عِيسَى الْخَزَّازُ [الْبَصْرِيُّ] عَنْ يُونُسَ بْنِ عُيَيْدٍ، عَنِ الْحَسَنِ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ الصَّدَقَةَ لَتُطْفِئُ غَضَبَ الرَّبِّ وَتَدْفَعُ مِيتَةَ السُّوءِ».

قَالَ [أَبُو عِيسَى]: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ.

تخريج: [إسناده ضعيف] صححه ابن حبان، ح: ٨١٦ وهو في شرح السنة للبغوي: ٦/ ١٣٣، ١٣٤، ح: ١٦٣٤ من حديث الترمذي به * عبدالله بن عيسى ضعيف (تقريب) وللحديث شواهد ضعيفة في مجمع الزوائد: ١١٥/٣ وغيره.

Comments:

As Allāh bestowed qualities and special effects to the material things of this world even to the plants and herbs, similarly He ﷻ granted qualities and special effects to good or bad deeds and to the manners of humans.

Chapter 29. What Has Been Related About The Right Of The One Asking

665. 'Abdur-Raḥmān bin Bujaid narrated from his grandmother; Umm Bujaid – and she was one of those who gave the pledge to the Prophet ﷺ – she said to the Messenger of Allāh ﷺ: "There is a needy person who stands outside my door, but I cannot find anything to give to him." So the Messenger of Allāh ﷺ said to her: "If you do not find anything to give him

(المعجم ٢٩) - بَابُ مَا جَاءَ فِي حَقِّ

السَّائِلِ (التحفة ٢٩)

٦٦٥ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ [بْنُ سَعْدٍ] عَنْ سَعِيدِ بْنِ أَبِي [سَعِيدٍ]، عَنْ عَبْدِ الرَّحْمَنِ بْنِ بُجَيْدٍ، عَنْ جَدَّتِهِ أُمِّ بُجَيْدٍ وَكَانَتْ مِمَّنْ بَايَعَ النَّبِيَّ ﷺ أَنَّهَا قَالَتْ لِرَسُولِ اللَّهِ ﷺ: «إِنَّ الْمِسْكِينَ لَيَقُومُ عَلَى بَابِي فَمَا أَجِدُ لَهُ شَيْئًا أُعْطِيهِ إِيَّاهُ، فَقَالَ لَهَا رَسُولُ اللَّهِ ﷺ: «إِنْ لَمْ تَجِدِي شَيْئًا تُعْطِيهِ إِيَّاهُ إِلَّا ظَلَمْنَا مُحَرَقًا فَادْفَعِيهِ إِلَيْهِ فِي يَدِهِ».

[1] Dying in a horrible way or horrible trials at the time of death. See *Tuḥfat Al-Aḥwadhī*.

except a burnt trotter then hand it over to him.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from ‘Alī, Ḥusain bin ‘Alī, Abū Hurairah, and Abū Umāmah. Abū ‘Eīsā said: The *Hadīth* of Umm Bujaid is a *Ḥasan Hadīth*.

تخریج: [إسناده صحيح] وأخرجه أبو داود، الزكاة، باب حق السائل، ح: ١٦٦٧ عن قتيبة به وصححه ابن خزيمة، ح: ٢٤٧٣ وابن حبان، ح: ٨٢٤ والحاكم: ٤١٧/١ والذهبي * وفي الباب عن علي [أبو داود، ح: ١٦٦٦] وحسين بن علي [أبو داود، ح: ١٦٦٥] وأبي هريرة [البخاري، ح: ٢٥٦٦ ومسلم، ح: ١٠٣٠] وأبي أمامة [الطبراني في الكبير: ٨/٢٩٥، ح: ٧٩٦٨].

Comments:

It is known from this *Hadīth* that a needy and deprived person should not be returned empty handed, but the matter of professional beggars is different; they should be given nothing, in order to discourage beggary.

Chapter 30. What Has Been Related About Giving To Those Whose Hearts Are Inclined (Toward Islām).

666. Sa‘eed bin Al-Musayyab narrated from Ṣafwān bin Umayyah who said: “The Messenger of Allāh ﷺ gave to me on the Day of Ḥunain, and he was the most hated creature to me. But he did not stop giving to me until he was the most loved creature to me.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: Al-Ḥasan bin ‘Alī narrated this to me, or what resembles it in the course of a discussion. He said: There is something on this topic from Abū Sa‘eed. Abū ‘Eīsā said: The *Hadīth* of Ṣafwān was reported by Ma‘mar and others from Az-Zuhri, from Sa‘eed bin Al-Musayyab “that Ṣafwān bin Umayyah said: ‘The

[قَالَ:] وفي الباب عَنْ عَلِيٍّ وَحُسَيْنِ بْنِ عَلِيٍّ وَأَبِي هُرَيْرَةَ وَأَبِي أُمَامَةَ.
قَالَ أَبُو عِيْسَى: حَدِيثٌ أَمْ بُجَيْدٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.

(المعجم ٣٠) - بَابُ مَا جَاءَ فِي إِعْطَاءِ الْمُؤَلَّفَةِ قُلُوبُهُمْ (التحفة ٣٠)

٦٦٦ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ عَنِ ابْنِ الْمُبَارَكِ، عَنْ يُونُسَ [بْنِ يَزِيدَ]، عَنِ الرَّهْرِيِّ، عَنْ سَعِيدِ ابْنِ الْمُسَيَّبِ، عَنْ صَفْوَانَ بْنِ أُمَيَّةَ قَالَ: أَغْطَانِي رَسُولُ اللَّهِ ﷺ يَوْمَ حُنَيْنٍ وَإِنَّهُ لَأَبْغَضُ الْخَلْقِ إِلَيَّ فَمَا زَالَ يُعْطِينِي حَتَّى إِنَّهُ لَأَحَبُّ الْخَلْقِ إِلَيَّ.

قَالَ أَبُو عِيْسَى: حَدَّثَنِي الْحَسَنُ بْنُ عَلِيٍّ بِهَذَا أَوْ شَبَّهِهُ [فِي الْمَذَاكِرَةِ قَالَ:] وَفِي الْبَابِ عَنْ أَبِي سَعِيدٍ.

قَالَ أَبُو عِيْسَى: حَدِيثُ صَفْوَانَ رَوَاهُ مَعْمَرٌ وَغَيْرُهُ عَنِ الرَّهْرِيِّ، عَنْ سَعِيدِ بْنِ

Messenger of Allāh ﷺ gave to me...^[1] So it is as if this narration is more correct and that it is more likely that it is (from) “Sa’eed bin Al-Musayyab, that Ṣafwān bin Umayyah”. The people of knowledge differ over giving to those whose hearts are inclined (towards Islām). Most of the people of knowledge held the view that they are not to be given to, and they say that they were only those people during the time of the Messenger of Allāh ﷺ whom he would encourage to accept Islām until they accepted it. And they did not think that such people should be given from the *Zakāt* today. This is the saying of Sufyān Ath-Thawrī, the people of Al-Kūfah and others. And it is the view of Aḥmad and Ishāq. Some of them said: If there is someone today like those people, and the *Imām* sees that they are inclined toward Islām, then giving to them is allowed. This is the view of Ash-Shāfi’i.

المُسَيِّبُ أَنَّ صَفْوَانَ بْنَ أُمَيَّةَ قَالَ: أَعْطَانِي رَسُولُ اللَّهِ ﷺ وَكَأَنَّ هَذَا الْحَدِيثُ أَصَحُّ وَأَشْبَهُهُ إِنَّمَا هُوَ سَعِيدُ بْنُ الْمُسَيِّبِ أَنَّ صَفْوَانَ ابْنَ أُمَيَّةَ.

وَقَدْ اخْتَلَفَ أَهْلُ الْعِلْمِ فِي إِعْطَاءِ الْمُؤَلَّفَةِ قُلُوبُهُمْ، فَرَأَى أَكْثَرُ أَهْلِ الْعِلْمِ أَنَّ لَا يُعْطَوْنَ وَقَالُوا: إِنَّمَا كَانُوا قَوْمًا عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، كَانَ يَتَأَلَّفُهُمْ عَلَى الْإِسْلَامِ حَتَّى أَسْلَمُوا، وَلَمْ يَرَوْا أَنَّ يُعْطَوِ الْيَوْمَ مِنَ الزَّكَاةِ عَلَى مِثْلِ هَذَا الْمَعْنَى، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَأَهْلِ الْكُوفَةِ وَغَيْرِهِمْ، وَبِهِ يَقُولُ أَحْمَدُ وَإِسْحَاقُ.

وَقَالَ بَعْضُهُمْ: مَنْ كَانَ الْيَوْمَ عَلَى مِثْلِ حَالِ هَؤُلَاءِ وَرَأَى الْإِمَامُ أَنَّ يَتَأَلَّفُهُمْ عَلَى الْإِسْلَامِ فَأَعْطَاهُمْ جَازَ ذَلِكَ، وَهُوَ قَوْلُ الشَّافِعِيِّ.

تخريج: وأخرجه مسلم، الفضائل، باب: في سخائه ﷺ، ح: ٢٣١٣ من حديث يونس بن يزيد الأيلي به * وفي الباب عن أبي سعيد [مسلم، ح: ١٠٦٤].

Comments:

According to Imām Al-Qurtubī and Qāḍi Thanā-Ullāh Panipati, those whose hearts were to be attracted having been inclined towards Islam were people of two types: a disbeliever or a financially weak Muslim. Those who were given, in their state of disbelief, for the purpose of attracting their hearts towards Islam, then they were given from the spoils of war, but the weak Muslims were given financial support from the wealth of *Zakāt* due to their poverty and need for the purpose of winning their hearts, these people may be given in these days too.

^[1] That is, with wording that is not as clear indicating that he heard it from him.

Chapter 31. What Has Been Related About The One Who Gives Charity (Then) Inheriting His Charity

(المعجم ٣١) - بَابُ مَا جَاءَ فِي
الْمُتَصَدِّقِ يَرِثُ صَدَقَتَهُ (التحفة ٣١)

667. ‘Abdullāh bin Buraidah narrated from his father: “I was sitting with the Prophet ﷺ when a woman came to him and said: ‘O Messenger of Allāh! I gave a slave girl to my mother in charity and she died.’ He said: ‘Your reward is already established, and your right to inherit her has returned it (that *Sadaqah*) to you.’ She said: ‘O Messenger of Allāh! There was a month of fasting due on her, shall I perform the fast for her?’ He said: ‘Fast on her behalf.’ She said: ‘O Messenger of Allāh! She never performed *Hajj*, shall I perform *Hajj* for her?’ He said: ‘Yes, perform *Hajj* on her behalf.’” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Hadīth* is *Hasan Ṣaḥīḥ*. This is not known as a narration of Buraidah except from this route. ‘Abdullāh bin ‘Aṭā’ (one of the narrators) is trustworthy according to the people of *Hadīth*. This is acted upon according to most of the people of knowledge, when a person gives some charity and then he inherits it, it is lawful for him. Some of them said that charity is something that is given for Allāh, so when he inherits it, then it is obligatory for him to do the same with it (i.e. give it in charity). Sufyān Ath-Thawrī and Zuhair bin Mu‘āwiyah reported this *Hadīth* from ‘Abdullāh bin ‘Aṭā’.

٦٦٧ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا عَلِيُّ
ابْنُ مُسْهِرٍ عَنْ عَبْدِ اللَّهِ بْنِ عَطَاءٍ، عَنْ عَبْدِ
اللَّهِ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: كُنْتُ جَالِسًا
عِنْدَ النَّبِيِّ ﷺ إِذْ أَتَتْهُ امْرَأَةٌ فَقَالَتْ: يَا رَسُولَ
اللَّهِ إِنِّي كُنْتُ تَصَدَّقْتُ عَلَى أُمِّي بِجَارِيَةٍ وَإِنِّهَا
مَاتَتْ، قَالَ: «وَجَبَ أَجْرُكَ، وَرَدَّهَا عَلَيْكَ
الْمِيرَاثُ»، قَالَتْ: يَا رَسُولَ اللَّهِ [إِنِّهَا] كَانَ
عَلَيْهَا صَوْمٌ شَهْرٍ أَقْضُوهُ عَنْهَا؟ قَالَ:
«صُومِي عَنْهَا» قَالَتْ: يَا رَسُولَ اللَّهِ إِنِّهَا لَمْ
تَحُجَّ قَطُّ أَفَأَحُجُّ عَنْهَا؟ قَالَ: «نَعَمْ حُجِّي
عَنْهَا».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ لَا يُعْرَفُ [هَذَا] مِنْ حَدِيثِ بُرَيْدَةَ إِلَّا
مِنْ هَذَا الْوَجْهِ. وَعَبْدُ اللَّهِ بْنُ عَطَاءٍ ثِقَةٌ عِنْدَ
أَهْلِ الْحَدِيثِ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ
أَهْلِ الْعِلْمِ أَنَّ الرَّجُلَ إِذَا تَصَدَّقَ بِصَدَقَةٍ ثُمَّ
وَرِثَهَا حَلَّتْ لَهُ.

وَقَالَ بَعْضُهُمْ: إِنَّمَا الصَّدَقَةُ شَيْءٌ جَعَلَهَا
لِلَّهِ، فَإِذَا وَرِثَهَا فَيَجِبُ أَنْ يَصْرِفَهَا فِي مِثْلِهِ.
وَرَوَى سُفْيَانُ الثَّوْرِيُّ وَزُهَيْرُ بْنُ مُعَاوِيَةَ هَذَا
الْحَدِيثَ، عَنْ عَبْدِ اللَّهِ بْنِ عَطَاءٍ.

تخريج: وأخرجه مسلم، الصيام، باب قضاء الصوم عن الميت، ح: ١١٤٩ عن علي بن حجر به.

Comments:

This *Hadīth* proves two points:

1. If a person gives something in charity and then it comes back to him in the form of his share in inheritance, it is not regarded as taking a charity back; because this return did not occur because of any activity of his choice. Therefore this is allowed according to the majority of the *Ummah* and the four *A'imma*h.
2. If a person could not observe fast owing to an excuse and he died, an heir of the deceased may make up the missed fast.

Chapter 32. What Has Been Related About It Being Disliked To Take Back Charity

(المعجم ٣٢) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ الْعَوْدِ فِي الصَّدَقَةِ (التحفة ٣٢)

668. Ibn 'Umar narrated that 'Umar gave a horse to be used in the cause of Allāh. Then he saw it being sold, so he wanted to buy it, but the Prophet ﷺ said: "Do not take back what you have given in charity." (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Hadīth* is *Ḥasan Ṣaḥīḥ*, and this is acted upon according to most of the people of knowledge.

٦٦٨ - حَدَّثَنَا هَارُونُ بْنُ إِسْحَاقَ الْهَمْدَانِيُّ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنِ ابْنِ عُمَرَ، عَنْ عُمَرَ أَنَّهُ حَمَلَ عَلَى فَرَسٍ فِي سَبِيلِ اللَّهِ ثُمَّ رَأَاهَا تَبَاعُ فَأَرَادَ أَنْ يَشْتَرِيَهَا فَقَالَ النَّبِيُّ ﷺ: «لَا تَعُدْ فِي صَدَقَتِكَ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ.

تخریج: متفق عليه، وأخرجه مسلم، الهبات، باب كراهة شراء الإنسان ما تصدق به ... إلخ، ح: ١٦٢١ من حديث عبدالرزاق والبخاري، الزكاة، باب: هل يشتري صدقته؟ ... إلخ، ح: ١٤٨٩ من حديث الزهري به.

Comments:

If a person gives something in charity to someone and the recipient wants to sell it, generally if the giver wants to buy it he will get it cheaper, therefore the Prophet ﷺ interpreted as if the giver is taking the charity back.

Chapter 33. What Has Been Related About (Giving) Charity On Behalf Of The Dead

(المعجم ٣٣) - بَابُ مَا جَاءَ فِي الصَّدَقَةِ عَنِ الْمَيِّتِ (التحفة ٣٣)

669. 'Ikrimah narrated from Ibn 'Abbās that a man said: "O

٦٦٩ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا رَوْحُ بْنُ عُبَادَةَ: حَدَّثَنَا زَكْرِيَّا بْنُ إِسْحَاقَ

Messenger of Allāh! My mother died, will it benefit her if I give charity on her behalf?’ He said: ‘Yes.’ He said: ‘I have a *Makhrāf*, so bear witness that I have given it in charity on her behalf.’” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan*, and this is the view of the people of knowledge. They say that nothing benefits the dead except charity and supplications. Some of them reported this *Ḥadīth* from ‘Amr bin Dīnār from ‘Ikrimah, from the Prophet ﷺ in *Mursal* form. (He said:) And his saying: “I have a *Makhrāf*” means a garden.

قَالَ: حَدَّثَنِي عَمْرُو بْنُ دِينَارٍ عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ أَنَّ رَجُلًا قَالَ: يَا رَسُولَ اللَّهِ؛ إِنَّ أُمِّي تُوَفِّيْتُ أَفْتِنَعُهَا إِنْ تَصَدَّقْتُ عَنْهَا؟، قَالَ: «نَعَمْ»، قَالَ: فَإِنَّ لِي مَخْرَفًا فَأَشْهَدُكَ أَنِّي قَدْ تَصَدَّقْتُ بِهِ عَنْهَا.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ، وَبِهِ يَقُولُ أَهْلُ الْعِلْمِ. يَقُولُونَ: لَيْسَ شَيْءٌ يَصِلُ إِلَى الْمَيِّتِ إِلَّا الصَّدَقَةُ وَالِدُعَاءُ.

وَقَدْ رَوَى بَعْضُهُمْ هَذَا الْحَدِيثَ عَنْ عَمْرُو ابْنِ دِينَارٍ، عَنْ عِكْرِمَةَ عَنِ النَّبِيِّ ﷺ مُرْسَلًا [قَالَ:] وَمَعْنَى قَوْلِهِ: إِنَّ لِي مَخْرَفًا يَعْنِي بُسْتَانًا.

تخريج: وأخرجه البخاري، الوصايا، باب: إذا وقف أرضاً ولم يبين الحدود فهو جائز، وكذلك الصدقة، ح: ٢٧٧٠ من حديث روح بن عباد به.

Comments:

The *Ummah* and the four *A'imma* are agreed that a deceased person benefits from the reward of charity, also what the *Shari'ah* allows to be performed on behalf of someone may be performed, like: *Hajj*, fasting and charity etc. (See: *Tuhfat Al-Aḥwadhī*: 2/26)

Chapter 34. What Has Been Related About A Woman Spending From Her Husband's House

670. Abū Umāmah Al-Bāhili said: “During a sermon of his in the year of the Farewell *Hajj*, I heard the Messenger of Allāh ﷺ say: ‘A woman is not to spend anything from her husband's house without her husband's permission.’ They said: ‘O Messenger of Allāh! What about food?’ He said: ‘That is our most virtuous wealth.’” (*Ḥasan*)

(المعجم ٣٤) - بَابُ مَا جَاءَ فِي نَفَقَةِ

الْمَرْأَةِ مِنْ بَيْتِ زَوْجِهَا (التحفة ٣٤)

٦٧٠ - حَدَّثَنَا هَذَا: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عِيَّاشٍ: حَدَّثَنَا شُرَحْبِيلُ بْنُ مُسْلِمٍ الْخَوْلَانِيُّ عَنْ أَبِي أُمَامَةَ الْبَاهِلِيِّ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ فِي خُطْبَتِهِ عَامَ حَجَّةِ الْوَدَاعِ يَقُولُ: «لَا تُنْفِقِ امْرَأَةٌ شَيْئًا مِنْ بَيْتِ زَوْجِهَا إِلَّا بِإِذْنِ زَوْجِهَا»، قِيلَ: يَا رَسُولَ اللَّهِ وَلَا الطَّعَامُ؟ قَالَ: «ذَاكَ أَفْضَلُ أَمْوَالِنَا».

There are narrations on this topic from Sa'd bin Abī Waqqās, Asmā' bint Abī Bakr, Abū Hurairah, 'Abdullāh bin 'Amr, and 'Āishah (may Allāh be pleased with her).

Abū 'Eisā said: The *Ḥadīth* of Abū Umāmah is a *Ḥasan Ḥadīth*.

وَفِي الْبَابِ عَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ وَأَسْمَاءَ ابْنَةِ أَبِي بَكْرٍ وَأَبِي هُرَيْرَةَ وَعَبْدِ اللَّهِ ابْنِ عَمْرٍو وَعَائِشَةَ رَضِيَ اللَّهُ عَنْهَا. قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي أُمَامَةَ حَدِيثٌ حَسَنٌ.

تخریج: [إسناده حسن] وأخرجه أبو داود، البيهقي، باب: في تضمين العارية، ح: ٣٥٦٥ من حديث إسماعيل بن عياش به * وفي الباب عن سعد بن أبي وقاص [أبو داود، ح: ١٦٨٦] وأسماء بنت أبي بكر [يأتي: ١٩٦٠] وأبي هريرة [البخاري، ح: ٥٣٦٠ ومسلم، ح: ١٠٢٦] وعبدالله بن عمرو [أبو داود، ح: ٣٥٤٧] وعائشة [يأتي: ٦٧١، ٦٧٢].

Comments:

It is proven from this *Ḥadīth* that if the wealth earned for a household is by the husband, then the wife is not allowed to spend it without the permission of her husband, or without any indication from him to do so; because she bears the responsibility to look after the household things.

671. 'Āishah narrated that the Prophet ﷺ said: "When a woman gives in charity from her husband's house, she will get the reward for it, and for her husband is the same as that, and for the trustee^[1] is the same as that. The reward of each of them will not be decreased at all by the reward of the other, for him is what he earned, and for her is what she spent." (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan*.

٦٧١ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ عَمْرِو بْنِ مَرْثَةَ قَالَ: سَمِعْتُ أَبَا وَائِلٍ يُحَدِّثُ عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «إِذَا تَصَدَّقَتِ الْمَرْأَةُ مِنْ بَيْتِ زَوْجِهَا كَانَ لَهَا بِهِ أَجْرٌ، وَلِلزَّوْجِ مِثْلُ ذَلِكَ وَلِلخَازِنِ مِثْلُ ذَلِكَ، وَلَا يَنْقُصُ كُلُّ وَاحِدٍ مِنْهُمْ مِنْ أَجْرِ صَاحِبِهِ شَيْئًا لَهُ بِمَا كَسَبَ وَلَهَا بِمَا أَنْفَقَتْ». قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ.

تخریج: [إسناده صحيح] وأخرجه النسائي في الكبرى، ح: ٩١٩٦ عن محمد بن المثنى به وأخرجه البخاري، ح: ١٤٢٥ ومسلم، ح: ١٠٢٤ من حديث أبي وائل شقيق بن سلمة به، انظر الحديث الآتي.

672. 'Āishah narrated that the Messenger of Allāh ﷺ said: "When a woman gives from her husband's

٦٧٢ - حَدَّثَنَا مَحْمُودُ بْنُ غَيْلَانَ: حَدَّثَنَا الْمُؤَمَّلُ عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ أَبِي

[1] Who distributes or stores it.

home, with a good heart, not to spoil it, then she will get a reward similar to his, for her is the good she intended – and the same is for the trustee.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*. It is more correct than that narration of ‘Amr bin Murrah from Wā’il (a narrator in no. 671). ‘Amr bin Murrah did not mention “from Masrūq” in his narration.

وَإِئْلِ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا أَعْطَتِ الْمَرْأَةُ مِنْ بَيْتِ زَوْجِهَا بِطِيبِ نَفْسٍ غَيْرِ مُفْسِدَةٍ، فَإِنَّ لَهَا مِثْلَ أَجْرِهِ، لَهَا مَا نَوَتْ حَسَنًا، وَلِلْخَازِنِ مِثْلُ ذَلِكَ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، وَهُوَ أَصَحُّ مِنْ حَدِيثِ عَمْرِو بْنِ مُرَّةَ عَنْ أَبِي وَائِلٍ. وَعَمْرُو بْنُ مُرَّةَ لَا يَذْكُرُ فِي حَدِيثِهِ، عَنْ مَسْرُوقٍ.

تخريج: متفق عليه، وأخرجه البخاري، الزكاة، باب من أمر خادمه بالصدقة ولم يناول نفسه، ح: ١٤٢٥ ومسلم، الزكاة، باب أجر الخازن الأمين والمرأة إذا تصدقت من بيت زوجها ... إلخ، ح: ١٠٢٤ من حديث منصور به.

Comments:

‘Not to spoil it’ means she spends reasonably according to what is generally accepted. She does not give away the belongings of the household members to others due to which they would later face difficulty.

Chapter 35. What Has Been Related About *Ṣadaqat Al-Fitr*.

673. Abū Sa‘eed Al-Khudrī narrated: “We would give *Zakāt Al-Fitr* – when the Messenger of Allāh ﷺ was among us – as a *Ṣā’* of food, or a *Ṣā’* of barley, or a *Ṣā’* of dried dates, or a *Ṣā’* of raisins, or a *Ṣā’* of cheese. So we did not stop paying it (like that) until Mu‘āwiyah arrived in Al-Madīnah and talked (about it). Among the things he addressed the people with, he said: ‘I see that two *Mudd* of the wheat of *Ash-Shām* are equal to a *Ṣā’* of dried dates.’ So the people followed that.” Abū Sa‘eed said: “I will not stop giving it in the manner that I had been giving it.” (*Ṣaḥīḥ*)

(المعجم ٣٥) - بَابُ مَا جَاءَ فِي صَدَقَةِ الْفِطْرِ (التحفة ٣٥)

٦٧٣ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا وَكِيعٌ عَنْ سُفْيَانَ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عِيَاذِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ قَالَ: كُنَّا نُخْرِجُ زَكَاةَ الْفِطْرِ - إِذْ كَانَ فِيْنَا رَسُولُ اللَّهِ ﷺ - صَاعًا مِنْ طَعَامٍ أَوْ صَاعًا مِنْ شَعِيرٍ أَوْ صَاعًا مِنْ تَمْرٍ، أَوْ صَاعًا مِنْ زَبِيبٍ أَوْ صَاعًا مِنْ أَقِطٍ، فَلَمْ نَزَلْ نُخْرِجْهُ حَتَّى قَدِمَ مُعَاوِيَةُ الْمَدِينَةَ فَتَكَلَّمَ فَكَانَ فِيمَا كَلَّمَ بِهِ النَّاسَ: إِنِّي لَأَرَى مُدَّيْنِ مِنْ سَمَرَاءِ الشَّامِ تَعْدِلُ صَاعًا مِنْ تَمْرٍ.

Abū 'Eisā said: This *Hadīth* is *Hasan Ṣaḥīḥ*. This is acted upon according to some of the people of knowledge, they hold the view that it is a *Ṣā'* in all cases. This is the saying of Ash-Shāfi'ī, Aḥmad, and Ishāq. Some of the people of knowledge among the Companions of the Prophet ﷺ and others said that it is a *Ṣā'* for everything except for wheat, in which case half of a *Ṣā'* is allowed. This is the saying of Sufyān Ath-Thawrī, Ibn Al-Mubārak and the people of Al-Kūfah, they hold the view that it is half of a *Ṣā'* for wheat.

قَالَ: فَأَخَذَ النَّاسُ بِذَلِكَ. قَالَ أَبُو سَعِيدٍ: فَلَا أَزَالُ أَخْرِجُهُ كَمَا كُنْتُ أَخْرِجُهُ.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ يَرَوْنَ مِنْ كُلِّ شَيْءٍ صَاعًا. وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ.
وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ مِنْ كُلِّ شَيْءٍ صَاعٌ إِلَّا مِنَ الْبُرِّ فَإِنَّهُ يُجْزَى نِصْفُ صَاعٍ. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَابْنِ الْمُبَارَكِ وَأَهْلِ الْكُوفَةِ يَرَوْنَ نِصْفَ صَاعٍ مِنْ بُرٍّ.

تخريج: متفق عليه، وأخرجه البخاري، الزكاة، باب صاع من زبيب، ح: ١٥٠٨، ١٥٠٥، ١٥٠٦ من حديث سفیان الثوري ومسلم، الزكاة، باب زكاة الفطر على المسلمين من التمر والشعير، ح: ٩٨٥ من حديث زيد بن أسلم به.

Comments:

Three *A'immah*, Mālik, Shāfi'ī and Aḥmad said, *Ṣadaqatul-Fiṭr* is due from any person who has at home the food of the morning and evening, but in the view of Imām Abū Ḥanīfah *Ṣadaqatul-Fiṭr* is due from a person who owns enough on which *Zakāt* is due, if he does not own property or wealth on which *Zakāt* is due, then *Ṣadaqatul-Fiṭr* is not due from him.

674. 'Amr bin Shu'aib narrated from his father, from his grandfather that the Prophet ﷺ sent a caller in the roads of Makkah proclaiming: "*Ṣadaqatul-Fiṭr* is required upon every Muslim, male or female, free or slave, young or old; it is two *Mudd* of wheat or its equivalent as a *Ṣā'* of food." (*Da'if*)

Abū 'Eisā said: This *Hadīth* is *Hasan Gharīb*. ('Umar bin Hārūn reported this *Hadīth* from Ibn Juraij, from Al-'Abbās bin Mīnā',

٦٧٤ - حَدَّثَنَا عُقْبَةُ بْنُ مُكْرَمٍ الْبَصْرِيُّ: حَدَّثَنَا سَالِمُ بْنُ نُوحٍ عَنِ ابْنِ جُرَيْجٍ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ النَّبِيَّ ﷺ بَعَثَ مُنَادِيًا فِي فِجَاجِ مَكَّةَ: أَلَا إِنَّ صَدَقَةَ الْفِطْرِ وَاجِبَةٌ عَلَى كُلِّ مُسْلِمٍ ذَكَرٍ أَوْ أُنْثَى حُرٍّ أَوْ عَبْدٍ صَغِيرٍ أَوْ كَبِيرٍ، مُدَّانٍ مِنْ قَمْحٍ أَوْ سِوَاهُ صَاعٍ مِنْ طَعَامٍ.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ حَسَنٌ.

from the Prophet ﷺ. So he mentioned some of this *Ḥadīth*. Jārūd narrated it to us, (he said) ‘Umar bin Hārūn narrated it to us.)

[وَرَوَى عُمَرُ بْنُ هَارُونَ هَذَا الْحَدِيثَ عَنْ ابْنِ جُرَيْجٍ وَقَالَ: عَنِ الْعَبَّاسِ بْنِ مِينَاءَ عَنِ النَّبِيِّ ﷺ فَذَكَرَ بَعْضُ هَذَا الْحَدِيثِ: حَدَّثَنَا جَارُودٌ: حَدَّثَنَا عُمَرُ بْنُ هَارُونَ هَذَا الْحَدِيثَ].

تخريج: [إسناده ضعيف] وأخرجه الدارقطني، ح: ١٤٠/٢، ح: ٢٠٦١ من حديث سالم بن نوح به وتابعه علي بن صالح، ابن جريج عنن.

675. Ibn ‘Umar narrated: “The Messenger of Allāh ﷺ made *Ṣadaqatul-Fiṭr* an obligation upon the male and the female, the free and the bondsmen, as a *Sā’* of dried dates or a *Sā’* of barley.” He said: “So the people equated that to half a *Sā’* of wheat.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. There are narrations on this topic from Abū Sa‘eed, Ibn ‘Abbās, and the grandfather of Al-Ḥārith bin ‘Abdur-Raḥmān bin Abī Dhubāb, and, Tha‘labah bin Abī Ṣu‘air, and ‘Abdullāh bin ‘Amr.

٦٧٥ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: قَرَضَ رَسُولُ اللَّهِ ﷺ صَدَقَةَ الْفِطْرِ عَلَى الذَّكَرِ وَالْأُنْثَى وَالْحُرِّ وَالْمَمْلُوكِ صَاعًا مِنْ تَمْرٍ أَوْ صَاعًا مِنْ شَعِيرٍ، قَالَ: فَعَدَلَ النَّاسُ إِلَى نِصْفِ صَاعٍ مِنْ بُرٍّ. قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

وفي الباب عَنْ أَبِي سَعِيدٍ وَابْنِ عَبَّاسٍ وَجَدَّ الْحَارِثِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي ذُبَابٍ وَتَعْلَبَةُ بْنُ أَبِي صُعَيْرٍ وَعَبْدُ اللَّهِ بْنُ عَمْرٍو.

تخريج: متفق عليه، وأخرجه البخاري، الزكاة، باب صدقة الفطر على الحر والمملوك، ح: ١٥١١ من حديث حماد بن زيد ومسلم، الزكاة، باب زكاة الفطر على المسلمين من التمر والشعير، ح: ٩٨٤ من حديث نافع به * وفي الباب عن أبي سعيد [تقدم: ٦٧٣] وابن عباس [أبو داود، ح: ١٦٠٩] وجد الحارث بن عبد الرحمن بن أبي ذباب [أحمد: ٧٩/٤ حديثه في الصدقة بغير هذا الباب] وتعلبة بن أبي صعير [أبو داود، ح: ١٦١٩-١٦٢١] وعبد الله بن عمرو [تقدم: ٦٧٤].

Comments:

In the lifetime of the Messenger of Allāh ﷺ, the customary food of the people used to be dates and barley, so the people would pay *Ṣadaqatul-Fiṭr* as one *Sā’*. Later when the use of wheat became usual food grain, and it was costly compared to the dates, they considered (that) half a *Sā’* of wheat was equal to one *Sā’* of dates.

676. Ibn ‘Umar narrated: “The Messenger of Allāh ﷺ made *Ṣadaqatul-Fiṭr* of Ramaḍān an obligation – a *Ṣā’* of dried dates or a *Ṣā’* of barley – required upon every free person and slave, male and female among the Muslims.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: The *Ḥadīth* of Ibn ‘Umar is a *Ḥasan Ṣaḥīḥ Ḥadīth*. Mālik reported the *Ḥadīth* on this topic from Nāfi‘, from Ibn ‘Umar, from the Prophet ﷺ, and he added in it: “among the Muslims” while others reported it from Nāfi‘ and they did not mention “among the Muslims” in it. The people of knowledge differ over this, some of them say that when a man has some non-Muslim slaves then he does not pay *Ṣadaqatul-Fiṭr* on their behalf. This is the opinion of Mālik, Ash-Shāfi‘ī, and Aḥmad. Some of them said that he pays it on their behalf even if they are not Muslims, and this is the saying of Sufyān Ath-Thawrī, Ibn Al-Mubārak and Ishāq.

تخريج: متفق عليه، وأخرجه البخاري، الزكاة، باب صدقة الفطر على العبد وغيره من المسلمين، ح: ١٥٠٤ ومسلم، ح: ٩٨٤ (انظر الحديث السابق) من حديث مالك به وهو في الموطأ: ٢٨٤/١ (يحيى).

Comments:

In the opinion of the majority of scholars, Islam is a condition for paying *Ṣadaqatul-Fiṭr*. Therefore, it is due only from a Muslim. It is not necessary to pay *Ṣadaqatul-Fiṭr* on behalf of a non-Muslim slave, but it is compulsory according to ‘Aṭā, An-Nakha‘ī, Ath-Thawrī and the Aḥnaf. (*Fath Al-Bārī*: 3/467)

٦٧٦ - حَدَّثَنَا إِسْحَاقُ بْنُ مُوسَى الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنٌ: حَدَّثَنَا مَالِكٌ عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ فَرَضَ زَكَاةَ الْفِطْرِ مِنْ رَمَضَانَ صَاعًا مِنْ تَمْرٍ أَوْ صَاعًا مِنْ شَعِيرٍ عَلَى كُلِّ حُرٍّ أَوْ عَبْدٍ ذَكَرٍ أَوْ أَنْثَى مِنَ الْمُسْلِمِينَ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عُمَرَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

رَوَاهُ مَالِكٌ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ نَحْوَ حَدِيثِ أَيُّوبَ. وَزَادَ فِيهِ مِنَ الْمُسْلِمِينَ وَرَوَاهُ غَيْرُ وَاحِدٍ، عَنْ نَافِعٍ وَلَمْ يَذْكُرُوا فِيهِ مِنَ الْمُسْلِمِينَ.

وَاخْتَلَفَ أَهْلُ الْعِلْمِ فِي هَذَا، فَقَالَ بَعْضُهُمْ: إِذَا كَانَ لِلرَّجُلِ عَبْدٌ غَيْرُ مُسْلِمٍ لَمْ يُؤَدَّ عَنْهُمْ صَدَقَةُ الْفِطْرِ وَهُوَ قَوْلُ مَالِكٍ وَالشَّافِعِيِّ وَأَحْمَدَ. وَقَالَ بَعْضُهُمْ يُؤَدِّي عَنْهُمْ وَإِنْ كَانُوا غَيْرَ مُسْلِمِينَ وَهُوَ قَوْلُ الثَّوْرِيِّ وَابْنِ الْمُبَارَكِ وَإِسْحَاقَ.

Chapter 36. What Has Been Related About: It Is To Be Paid Before The Ṣalāt

677. Ibn ‘Umar narrated that the Messenger of Allāh ﷺ would order paying the Zakāt before going to the Ṣalāt on the day of Fitr. (*Ṣaḥīh*)

Abū ‘Eīsā said: This *Hadīth* is *Hasan Gharib Ṣaḥīh*. And this is what is recommended according to the people of knowledge; a man is to give *Ṣadaqatul-Fitr* before going to the Ṣalāt.

(المعجم ٣٦) - بَابُ مَا جَاءَ فِي

تَقْدِيمِهَا قَبْلَ الصَّلَاةِ (التحفة ٣٦)

٦٧٧ - حَدَّثَنَا مُسْلِمٌ بْنُ عَمْرٍو بْنِ مُسْلِمٍ أَبُو عَمْرٍو الْحَذَاءُ الْمَدِينِيُّ: حَدَّثَنِي عَبْدُ اللَّهِ ابْنُ نَافِعٍ [الصَّائِغُ] عَنِ ابْنِ أَبِي الزِّنَادِ، عَنْ مُوسَى بْنِ عُقْبَةَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يَأْمُرُ بِإِخْرَاجِ الزَّكَاةِ قَبْلَ الْغَدْوِ لِلصَّلَاةِ يَوْمَ الْفِطْرِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ صَحِيحٌ، وَهُوَ الَّذِي يَسْتَحِبُّهُ أَهْلُ الْعِلْمِ أَنْ يُخْرِجَ الرَّجُلُ صَدَقَةَ الْفِطْرِ قَبْلَ الْغَدْوِ إِلَى الصَّلَاةِ.

تخريج: متفق عليه، وأخرجه البخاري، الزكاة، باب الصدقة قبل العيد، ح: ١٥٠٩ ومسلم، الزكاة، باب الأمر بإخراج زكاة الفطر قبل الصلاة، ح: ٩٨٦ من حديث موسى بن عقبة به.

Comments:

The narration of Abū Dāwūd and some other narrations prove that paying *Ṣadaqatul-Fitr* before the prayer of ‘Eid is necessary; if it is paid after the prayer it will be not regarded as *Ṣadaqatul-Fitr*. Instead it will be regarded as a normal charity. (*Ḥadīth*: 1609-1610, *Tuhfat Al-Aḥwadhī*: 3/300)

Chapter 37. What Has Been Related About Paying Zakāt In Advance

678. ‘Alī narrated: “Al-‘Abbās asked the Messenger of Allāh ﷺ about paying his charity (*Zakāt*) in advance before its time is due (by being in possession for a whole year), he permitted him to do that.” (*Da‘īf*)

(المعجم ٣٧) - بَابُ مَا جَاءَ فِي تَعْجِيلِ

الزَّكَاةِ (التحفة ٣٧)

٦٧٨ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ: حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ زَكْرِيَّا عَنِ الْحَجَّاجِ بْنِ دِينَارٍ، عَنِ الْحَكَمِ بْنِ عُثَيْبَةَ، عَنْ حُجَيَّةَ بْنِ عَدِيٍّ، عَنْ عَلِيٍّ أَنَّ الْعَبَّاسَ سَأَلَ رَسُولَ اللَّهِ ﷺ فِي تَعْجِيلِ صَدَقَتِهِ قَبْلَ أَنْ تَحِلَّ، فَرَخَّصَ لَهُ فِي ذَلِكَ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الزكاة، باب: في تعجيل الزكاة، ح: ١٦٢٤ وابن ماجه، ح: ١٧٩٥ من حديث سعيد بن منصور به وصححه ابن خزيمة، ح: ٢٣٣١

والحاكم: ٣/ ٣٣٢ والذهبي، وللحديث شواهد كثيرة منها الحديث الآتي، الحاكم بن عيينة مدلس وعنن.

Comments:

If the property reaches the amount on which *Zakāt* is due but the period of one year has not yet passed, in this case paying the *Zakāt* early (before passing the whole year) is disputed.

1. Imām Abū Ḥanīfah, Ash-Shāfi'ī, Aḥmad and Ishāq are of the view that if a property reaches the amount, subject to *Zakāt*, paying *Zakāt* on it before passing the whole year is correct and this view is the authentic one.
2. It is not right according to Imām Mālik and Sufyān Ath-Thaurī. (*Tuhfat Al-Ahwadhī*: 2/30)

679. 'Alī narrated that the Prophet ﷺ said to 'Umar: "We have taken this year's *Zakāt* from Al-'Abbās in the previous year." (*Da'if*)

He said: There is something on this topic from Ibn 'Abbās.

(Abū 'Eisā said:) We do not know of the *Ḥadīth* about paying the *Zakāt* in advance as a narration from Isrā'il from Al-Ḥajjāj bin Dīnār, except from this route. And the narration of Ismā'il bin Zakariyyā from Al-Ḥajjāj is more correct to me than the narration of Isrā'il from Al-Ḥajjāj bin Dīnār. This *Ḥadīth* was also reported in *Mursal* form by Al-Ḥakam bin 'Utaibah from the Prophet ﷺ. The people of knowledge have differed over paying the *Zakāt* in advance before the *Hawl* passes on it. A group of the people of knowledge held the view that it is not to be paid in advance. This was the view of Sufyān Ath-Thawri, he said: "I would prefer that it not be paid in advance." Most of the people of knowledge said that if one pays it in advance, before the *Hawl* passes, then it is acceptable. This is the

٦٧٩ - حَدَّثَنَا الْقَاسِمُ بْنُ دِينَارٍ الْكُوفِيُّ:
حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ عَنْ إِسْرَائِيلَ، عَنِ
الْحَجَّاجِ بْنِ دِينَارٍ، عَنِ الْحَكَمِ بْنِ جَحْلٍ،
عَنْ حُجْرٍ الْعَدَوِيِّ، عَنْ عَلِيٍّ أَنَّ النَّبِيَّ ﷺ
قَالَ لِعُمَرَ: إِنَّا قَدْ أَخَذْنَا زَكَاةَ الْعَبَّاسِ عَامَ
الْأَوَّلِ لِلْعَامِ.

قَالَ: وَفِي الْبَابِ عَنِ ابْنِ عَبَّاسٍ.
[قَالَ أَبُو عِيسَى:] لَا أَعْرِفُ حَدِيثَ
تَعْجِيلِ الزَّكَاةِ مِنْ حَدِيثِ إِسْرَائِيلَ عَنِ
الْحَجَّاجِ بْنِ دِينَارٍ إِلَّا مِنْ هَذَا الْوَجْهِ.
وَحَدِيثُ إِسْمَاعِيلَ بْنِ زَكَرِيَّا عَنِ الْحَجَّاجِ
عِنْدِي أَصَحُّ مِنْ حَدِيثِ إِسْرَائِيلَ عَنِ الْحَجَّاجِ
ابْنِ دِينَارٍ. وَقَدْ رَوَى هَذَا الْحَدِيثُ عَنِ
الْحَكَمِ بْنِ عُثَيْبَةَ عَنِ النَّبِيِّ ﷺ مُرْسَلٌ.
وَقَدْ اخْتَلَفَ أَهْلُ الْعِلْمِ فِي تَعْجِيلِ الزَّكَاةِ
قَبْلَ مَحَلِّهَا، فَرَأَى طَائِفَةٌ مِنْ أَهْلِ الْعِلْمِ أَنَّ
لَا يُعَجَّلُهَا. وَبِهِ يَقُولُ سُفْيَانُ الثَّوْرِيُّ. قَالَ:
أَحَبُّ إِلَيَّ أَنْ لَا يُعَجَّلَهَا. وَقَالَ أَكْثَرُ أَهْلِ
الْعِلْمِ إِنَّ عَجَلَهَا قَبْلَ مَحَلِّهَا أَجْزَأَتْ عَنْهُ. وَبِهِ
يَقُولُ الشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ.

view of Ash-Shāfi'ī, Aḥmad and Ishāq.

تخريج: [إسناده ضعيف] وأخرجه الدارقطني: ١٢٣/٢، ح: ١٩٩١ من حديث إسحاق بن منصور به، حجر العدوي لم يبين بي من هو؟ * وفي الباب عن ابن عباس، [الدارقطني: ١٢٤/٢، ح: ١٩٩٣، ١٩٩٥].

Chapter 38. What Has Been Related About The Prohibition Of Begging.

(المعجم ٣٨) - بَابُ مَا جَاءَ فِي النَّهْيِ
عَنِ الْمَسْأَلَةِ (التحفة ٣٨)

680. Abū Hurairah narrated that he heard the Messenger of Allāh ﷺ saying: "For one of you to go out early to gather firewood and carry it on his back so that he can give charity from it and be free of need from the people, is better for him than to ask a man who may give that to him or refuse. Indeed the upper hand (giving) is more virtuous than the lower hand (receiving), and begin with (those who are) your dependants." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ḥakīm bin Hizām, Abū Sa'eed Al-Khudrī, Az-Zubair bin Al-'Awwām, 'Aṭīyah As-Sa'dī, 'Abdullāh bin Mas'ūd, Mas'ūd bin 'Amr, Ibn 'Abbās, Ṭhawbān, Ziyād bin Al-Ḥārith Aṣ-Ṣudā'i, Anas, Ḥubshī bin Junādah, Qabīṣah bin Mukhāriq, Samurah, and Ibn 'Umar.

Abū 'Eīsā said: The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Gharīb Ḥadīth*, it is *Gharīb* as a narration of Bayān from Qais.

٦٨٠ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا أَبُو الْأَحْوَصِ عَنْ بَيَانَ بْنِ بَشِيرٍ، عَنْ قَيْسِ بْنِ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَأَنْ يَغْدُو أَحَدُكُمْ فَيَحْتَطِبَ عَلَى ظَهْرِهِ فَيَتَصَدَّقَ مِنْهُ وَيَسْتَعْنِيَ بِهِ عَنِ النَّاسِ خَيْرٌ لَهُ مِنْ أَنْ يَسْأَلَ رَجُلًا أَعْطَاهُ أَوْ مَنَعَهُ ذَلِكَ فَإِنَّ يَدَ الْعُلْيَا أَفْضَلُ مِنْ يَدِ السُّفْلَى وَابْدَأْ بِمَنْ تَعُولُ».

[قَالَ:] وفي الباب عَنْ حَكِيمِ بْنِ حِزَامٍ وَأَبِي سَعِيدِ الْخُدْرِيِّ وَالزُّبَيْرِ بْنِ الْعَوَّامِ وَعُطَيْيَةُ السَّعْدِيِّ وَعَبْدُ اللَّهِ بْنُ مَسْعُودٍ وَمَسْعُودُ بْنُ عَمْرٍو وَابْنُ عَبَّاسٍ وَثَوْبَانُ وَزِيَادُ بْنُ الْحَارِثِ الصُّدَائِيُّ وَأَنَسُ وَحُبَشِيُّ بْنُ جُنَادَةَ وَقَبِيصَةُ بْنُ مَخَارِقٍ وَسُمْرَةُ وَابْنُ عُمَرَ.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ يُسْتَعْرَبُ مِنْ حَدِيثِ بَيَانَ عَنْ قَيْسٍ.

تخريج: وأخرجه مسلم، الزكاة، باب كراهة المسألة للناس، ح: ١٠٤٢ عن هناد بن السري به * وفي الباب عن حكيم بن حزام [البخاري، ح: ١٤٢٧ ومسلم، ح: ١٠٣٤] وأبي سعيد الخدري [البخاري، ح: ١٤٦٥ ومسلم، ح: ١٠٥٢] والزبير بن العوام [البخاري، ح: ١٤٧١] وعطية السعدي [أحمد: ٢٢٦/٤ وعبد بن حميد، ح: ٤٨٥] وعبدالله بن مسعود [تقدم: ٦٥٠، ٦٥١] ومسعود بن عمرو [أبو نعيم في معرفة الصحابة: ٢٥٣٥/٥، ح: ٦١٣٤] وابن عباس [لم أجده]

وثوبان [أبو داود، ح: ١٦٤٣ وابن ماجه، ح: ١٨٣٧] وزیاد بن الحارث الصدائي [أبو داود، ح: ١٦٣٠ والبيهقي: ١٧٤/٤] وأنس [أبو داود، ح: ١٦٤١] وحيشي بن جنادة [تقدم: ٦٥٣، ٦٥٤] وقبيصة بن مخارق [مسلم، ح: ١٠٤٤] وسمرة [يأتي: ٦٨١] وابن عمر [البخاري، ح: ١٤٢٩] ومسلم، ح: ١٠٣٣.

Comments:

Begging without a genuine and valid cause is unanimously impermissible. Working hard to earn a livelihood, a person should fulfill one's own needs as well as adopting a habit of giving to others.

681. Samurah bin Jundub narrated that the Messenger of Allāh ﷺ said: "Asking is a labor that toils on a man's face, except if a man asks for something from the *Sultān* (ruler), or he asks for something that he cannot do without." (*Ṣaḥīḥ*)
Abū 'Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

٦٨١ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا سُفْيَانُ عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ زَيْدِ بْنِ عَقَبَةَ، عَنْ سَمُرَةَ بْنِ جُنْدَبٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ الْمَسْأَلَةَ كَدٌّ يَكْذِبُ بِهَا الرَّجُلُ وَجْهَهُ إِلَّا أَنْ يَسْأَلَ الرَّجُلُ سُلْطَانًا أَوْ فِي أَمْرٍ لَا بُدَّ مِنْهُ».
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: [صحيح] وأخرجه أبو داود، الزكاة، باب: كم يعطى الرجل الواحد من الزكاة؟ ح: ١٦٣٩ والنسائي: ١٠٠/٥، ح: ٢٦٠٠ من حديث عبد الملك بن عمير به، وصرح بالسماع عند أحمد (٢٣/٥) ح: ٢٠٥٢٩ وصححه ابن حبان (الإحسان): ٣٣٧٧.

Comments:

Begging eliminates a person's honor and self-esteem and his face gets deprived of charm, delight and gleam due to the curse of disgrace and humiliation. Some narrations show that a habitual beggar will appear with no flesh on his face on the Last Day.

In the Name of Allāh,
the Merciful, the Beneficent.

[بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ]

6. The Chapters On Fasting From The Messenger of Allāh ﷺ

(المعجم ٦) أَبْوَابُ الصَّوْمِ
عَنْ رَسُولِ اللَّهِ ﷺ (التحفة ٤)

Chapter 1. What Has Been Related About The Virtue Of The Month Of Ramaḍān

(المعجم ١) - بَابُ مَا جَاءَ فِي فَضْلِ
شَهْرِ رَمَضَانَ (التحفة ١)

682. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "On the first night of the month of Ramaḍān, the *Shayāṭīn* are shackled, the jinns are restrained, the gates of the Fires are shut such that no gate among them would be opened. The gates of Paradise are opened such that no gate among them would be closed, and a caller calls: 'O seeker of the good; come near!' and 'O seeker of evil; stop! For there are those whom Allāh frees from the Fire.' And that is every night." (*Hasan*)

(He said:) There are narrations on this topic from 'Abdur-Raḥmān bin 'Awf, Ibn Mas'ūd, and Salmān.

٦٨٢ - حَدَّثَنَا أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ ابْنِ كُرَيْبٍ: حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا كَانَ أَوَّلُ لَيْلَةٍ مِنْ شَهْرِ رَمَضَانَ صُفِّدَتِ الشَّيَاطِينُ وَمَرَدَّةُ الْجِنِّ، وَعُلِّقَتْ أَبْوَابُ النَّارِ فَلَمْ يُفْتَحْ مِنْهَا بَابٌ وَفُتِّحَتْ أَبْوَابُ الْجَنَّةِ فَلَمْ يُغْلَقْ مِنْهَا بَابٌ وَيُنَادِي مُنَادٍ يَا بَاغِيَ الْخَيْرِ أَقْبِلْ، وَيَا بَاغِيَ الشَّرِّ أَقْصِرْ، وَلِلَّهِ عِتْقَاءُ مِنَ النَّارِ وَذَلِكَ كُلُّ لَيْلَةٍ».

[قَالَ:] وَفِي الْبَابِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ وَابْنِ مَسْعُودٍ وَسَلْمَانَ.

تخريج: [حسن] وأخرجه ابن ماجه، الصيام، باب ما جاء في فضل شهر رمضان، ح: ١٦٤٢ عن أبي كريب به وصححه ابن خزيمة: ١٨٥/٣، ح: ١٨٨٣ وابن حبان (الإحسان): ٣٤٢٦ وسنده ضعيف وله شواهد كثيرة عند البخاري، ح: ١٨٩٩ ومسلم، ح: ١٠٧٩ وغيرهما * وفي الباب عن عبد الرحمن بن عوف [ابن ماجه، ح: ١٣٢٨] وابن مسعود [لم أجده] وسلمان [ابن خزيمة، ح: ١٨٨٧].

Comments:

The good and special favors, qualities and virtuousness of righteous deeds are relevant to those who are Muslims, when they believe in the teachings of Allāh and His Messenger ﷺ, the appearance of the good effects and qualities

occur inside them according to the degree and position of their Faith and Islam.

683. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Whoever fasts Ramaḍān and stands (in the night prayer) for it out of faith and seeking a reward (from Allāh), he will be forgiven what preceded of his sins. Whoever stands (in the night prayer) on the Night of *Al-Qadr* out of faith and seeking a reward (from Allāh), he will be forgiven what preceded of his sins." (*Hasan*)

This *Hadīth* is *Ṣaḥīḥ*.

Abū 'Eisā said: The *Hadīth* of Abū Hurairah which Abū Bakr bin 'Ayyāsh reported is a *Gharib Hadīth*, we do not know of it as a narration of Abū Bakr bin 'Ayyāsh from Al-A'mash, from Abū Ṣālih, from Abū Hurairah except from the narration of Abū Bakr. He said: I asked Muḥammad bin Ismā'īl about this *Hadīth*, and he said: "Al-Ḥasan bin Ar-Rabī narrated to us, Abū Al-Aḥwaṣ narrated to us from Al-Mujāhid as his own saying. He said: 'On the first night of Ramaḍān' and he mentioned the *Hadīth*." Muḥammad said: "This is more correct in my view, than the narration of Abū Bakr bin 'Ayyāsh."

٦٨٣ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا عَبْدُ
وَالْمُحَارِبِيُّ عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي
سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ
ﷺ: «مَنْ صَامَ رَمَضَانَ وَقَامَهُ إِيمَانًا
وَاحْتِسَابًا غُفِرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ، وَمَنْ قَامَ
لَيْلَةَ الْقَدْرِ إِيمَانًا وَاحْتِسَابًا غُفِرَ لَهُ مَا تَقَدَّمَ مِنْ
ذَنْبِهِ».

هَذَا حَدِيثٌ صَحِيحٌ

قَالَ أَبُو عِيسَى: وَحَدِيثُ أَبِي هُرَيْرَةَ الَّذِي
رَوَاهُ أَبُو بَكْرٍ بْنُ عَيَّاشٍ حَدِيثٌ غَرِيبٌ لَا
نَعْرِفُهُ مِنْ رِوَايَةِ أَبِي بَكْرٍ بْنُ عَيَّاشٍ، عَنْ
الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ
إِلَّا مِنْ حَدِيثِ أَبِي بَكْرٍ قَالَ: وَسَأَلْتُ مُحَمَّدَ
ابْنَ إِسْمَاعِيلَ، عَنْ هَذَا الْحَدِيثِ فَقَالَ:
حَدَّثَنَا الْحَسَنُ بْنُ الرَّبِيعِ: حَدَّثَنَا أَبُو
الْأَحْوَصِ عَنِ الْأَعْمَشِ، عَنْ مُجَاهِدٍ قَوْلُهُ:
قَالَ: إِذَا كَانَ أَوَّلُ لَيْلَةٍ مِنْ شَهْرِ رَمَضَانَ
فَذَكَرَ الْحَدِيثَ، قَالَ مُحَمَّدٌ: وَهَذَا أَصَحُّ
عِنْدِي مِنْ حَدِيثِ أَبِي بَكْرٍ بْنُ عَيَّاشٍ.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، إقامة الصلوات، باب ماجاء في قيام شهر رمضان، ح: ١٣٢٦ من حديث محمد بن عمرو بن علقمة الليثي به وصححه ابن حبان (الإحسان): ٣٦٧٤ وأصله متفق عليه، البخاري، ح: ٢٠١٤ ومسلم، ح: ٧٥٩.

Comments:

In this *Hadīth*, the virtuousness of fasts of Ramaḍān, *Tarāwīḥ* and voluntary prayer during its night, and the voluntary prayer during the Night of Power is

highlighted; the previous sins are forgiven due to these deeds, provided these deeds are performed with Faith and in the hope of earning good reward from Allāh ﷻ.

Chapter 2. What Has Been Related About: Do Not Precede The Month With Fasting.

684. Abū Hurairah narrated that the Prophet ﷺ said: “Do not precede the month with a day nor with two days, unless that fast falls on a day that one of you would have (normally) fasted. Fast with its sighting, and break fast with its sighting, and if it is cloudy, then count for thirty days, and then break (the fast).” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from some of the Companions of the Prophet ﷺ. Maṣnū bin Al-Mu'tamir informed us from Rib'i bin Hiraṣh, from some of the Companions of the Prophet ﷺ, and it is similar to this.

Abū 'Eisā said: The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to the people of knowledge, they consider it disliked for a man to be hasty by fasting before the month of Ramaḍān begins, if he thinks that is for Ramaḍān. If a man normally performs some fast, and that fast falls on that day, then there is no harm in this according to them.

تخريج: [صحيح] وأخرجه أحمد: ٤٩٧/٢ من حديث محمد بن عمرو به وسنده حسن وأصله متفق عليه، البخاري، ح: ١٩١٤، ومسلم، ح: ١٠٨١، ١٠٨٢ * وفي الباب عن بعض أصحاب النبي ﷺ [أحمد: ٣١٤/٤].

685. Abū Hurairah narrated that the Messenger of Allāh ﷺ said:

(المعجم ٢) - بَابُ مَا جَاءَ لَا تَتَدَدُّوهُ الشَّهْرَ بِصَوْمٍ (التحفة ٢)

٦٨٤ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ النَّبِيُّ ﷺ: «لَا تَقْدَمُوا الشَّهْرَ بِيَوْمٍ وَلَا بِيَوْمَيْنِ إِلَّا أَنْ يُوَافِقَ ذَلِكَ صَوْمًا كَانَ يَصُومُهُ أَحَدُكُمْ. صُومُوا لِرُؤْيَيْهِ وَأَفْطِرُوا لِرُؤْيَيْهِ، فَإِنْ غَمَّ عَلَيْكُمْ فَعِدُوا ثَلَاثِينَ ثُمَّ أَفْطِرُوا».

[قَالَ:] وفي البابِ عَنْ بَعْضِ أَصْحَابِ النَّبِيِّ ﷺ: أَخْبَرَنَا مَنصُورُ بْنُ الْمُعْتَمِرِ عَنْ رَبِيعِ بْنِ جَرَّاشٍ، عَنْ بَعْضِ أَصْحَابِ النَّبِيِّ ﷺ عَنِ النَّبِيِّ ﷺ: يَنْحُو هَذَا.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ: كَرِهُوا أَنْ يَتَعَجَّلَ الرَّجُلُ بِصِيَامٍ قَبْلَ دُخُولِ شَهْرِ رَمَضَانَ لِمَعْنَى رَمَضَانَ، وَإِنْ كَانَ رَجُلٌ يَصُومُ صَوْمًا فَوَافِقَ صِيَامَهُ ذَلِكَ فَلَا بَأْسَ بِهِ عِنْدَهُمْ.

٦٨٥ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا وَكِيعٌ عَنْ عَلِيِّ بْنِ الْمُبَارَكِ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ،

“Do not precede the month of Ramaḍān by fasting a day or two before it, unless it is the case of a man who normally performs some fast, then let him fast it.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تُقَدِّمُوا شَهْرَ رَمَضَانَ بِصِيَامٍ قَبْلَهُ يَوْمٌ أَوْ يَوْمَيْنِ إِلَّا أَنْ يَكُونَ رَجُلٌ كَانَ يَصُومُ صَوْمًا فَلْيُصِمْهُ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: وأخرجه مسلم، الصيام، باب: "لا تقدموا رمضان بصوم يوم ولا يومين"، ح: ١٠٨٢ من حديث وكيع به.

Comments:

It is prohibited to fast a day or two days for welcoming Ramaḍān, before the arrival of Ramaḍān. However, if a day before Ramaḍān coincides with one's regular fasting, for example: a person fasts every Monday and Thursday, and Monday or Thursday occurs just before the commencement of Ramaḍān, then he may fast on such a day.

Chapter 3. What Has Been Related About It Being Disliked To Fast The Day Of Doubt

(المعجم ٣) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ صَوْمِ يَوْمِ الشَّكِّ (التحفة ٣)

686. Ṣilah bin Zufar said: “We were with ‘Ammār bin Yāsir when a roasted sheep was brought and he said: ‘Eat.’ Someone among the people said: ‘I am fasting.’ So ‘Ammār said: ‘Whoever fasts on a day in which there is doubt, then he has disobeyed Abul-Qāsim (ﷺ).’” (*Da‘īf*)

(He said:) There are narrations on this topic from Abū Hurairah and Anas.

Abū ‘Eīsā said: The *Ḥadīth* of ‘Ammār is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ, and those who followed them among the *Tābi‘īn*. It is the view of Sufyān Ath-Thawrī, Mālik bin Anas, ‘Abdullāh

٦٨٦ - حَدَّثَنَا أَبُو سَعِيدٍ عَبْدُ اللَّهِ بْنُ سَعِيدٍ الْأَشْجِيُّ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ عَنْ عَمْرِو ابْنِ قَيْسٍ [الْمَلَائِكِيُّ]، عَنْ أَبِي إِسْحَاقَ، عَنْ صِلَةَ بْنِ زُفَرَ قَالَ: كُنَّا عِنْدَ عَمَّارِ بْنِ يَاسِرٍ فَأَتَيْتِ بِشَاةٍ مَضْلِيَّةٍ فَقَالَ: كُلُوا فَتَنَحَّى بَعْضُ الْقَوْمِ فَقَالَ: إِنِّي صَائِمٌ، فَقَالَ عَمَّارٌ: مَنْ صَامَ الْيَوْمَ الَّذِي يُشَكُّ فِيهِ فَقَدْ عَصَى أَبَا الْقَاسِمِ (ﷺ).

[قَالَ:] وفي الباب عَنْ أَبِي هُرَيْرَةَ وَأَنَسٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ عَمَّارٍ حَدِيثٌ حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَمَنْ

bin Al-Mubārak, Ash-Shāfi'i, Aḥmad, and Ishāq. They considered it disliked for a man to fast on the day in which there is doubt. Most of them held the view that if he fasted it and it was one of the days of Ramaḍān then he was to make up a day in place of it.^[1]

بَعْدَهُمْ مِنَ التَّابِعِينَ. وَبِهِ يَقُولُ سُفْيَانُ الثَّوْرِيُّ وَمَالِكُ بْنُ أَنَسٍ وَعَبْدُ اللَّهِ بْنُ الْمُبَارَكِ وَالشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ: كَرِهُوا أَنْ يَصُومَ الرَّجُلُ الْيَوْمَ الَّذِي يَشْكُ فِيهِ، وَرَأَى أَكْثَرُهُمْ إِنْ صَامَهُ، وَكَانَ مِنْ شَهْرِ رَمَضَانَ أَنْ يَقْضِيَ يَوْمًا مَكَانَهُ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الصيام، باب كراهية صوم يوم الشك، ح: ٢٣٣٤ وابن ماجه، ح: ١٦٤٥ من حديث أبي خالد الأحمر به ورواه النسائي: ١٥٣/٤، ح: ٢١٩٠ عن أبي سعيد الأشج به، والحديث علقه البخاري، ح: ١٩٠٦ وصححه ابن خزيمة، ح: ١٩١٤ وابن حبان، ح: ٨٧٨ والدارقطني: ١٥٧/٢ والحافظ في تعليق التعليق: ٤١/٢ والحاكم على شرط الشيخين: ٤٢٤/١ ووافقه الذهبي * وفي الباب عن أبي هريرة [البرار (كشف): ٤٩٨/١، ح: ١٠٦٦ وسنده ضعيف جدًا] وأنس [البيهقي: ٢٠٩/٤ وهو موقوف فيه أحمد بن الحسن بن يزيد ابن ماجه القزويني ولم أجد من وثقه].

Chapter 4. What Has Been Related About Counting The (Appearances Of) The Crescent Of Sha'bān For Ramāḍān

(المعجم ٤) - بَابُ مَا جَاءَ فِي إِحْصَاءِ هِلَالِ شَعْبَانَ لِرَمَضَانَ (التحفة ٤)

687. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Count the (the appearances of) the crescent of Sha'bān for Ramāḍān." (Da'if)

Abū 'Eīsā said: We do not know of the *Ḥadīth* of Aḥmad bin Hurairah to be like this except from the narration of Abū Mu'āwiyah. What is correct is what is reported from Muḥammad bin 'Amr, from Abū Salamah from Abū Hurairah that the Prophet ﷺ said: "Do not precede the month of Ramaḍān by fasting a day or two days." This has been reported by

٦٨٧ - حَدَّثَنَا مُسْلِمٌ بْنُ حَجَّاجٍ: حَدَّثَنَا يَحْيَى بْنُ يَحْيَى: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَحْصُوا هِلَالَ شَعْبَانَ لِرَمَضَانَ».

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ لَا نَعْرِفُهُ مِثْلَ هَذَا إِلَّا مِنْ حَدِيثِ أَبِي مُعَاوِيَةَ. وَالصَّحِيحُ مَا رَوَى عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تُقَدِّمُوا شَهْرَ رَمَضَانَ يَوْمٍ وَلَا يَوْمَيْنِ»

^[1] "Because the one who fasted the day of doubt did not fast a day of Ramaḍān with certainty, so if it appeared later that it was a day of Ramaḍān then he must make up for it by fasting a day in its place." *Tuḥfat Al-Aḥwadhī*.

Yahya bin Abī Kathīr, from Abū Salamah, from Abū Hurairah from the Prophet ﷺ, and it is similar to the narration of Muḥammad bin ‘Amr Al-Laithī.

وَهَكَذَا رُوِيَ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ [عَنِ النَّبِيِّ ﷺ] نَحْوَ حَدِيثِ مُحَمَّدِ بْنِ عَمْرِو اللَّيْثِيِّ.

تخريج: [إسناده ضعيف] وأخرجه الدارقطني: ١٦٣/٢، ح: ٢١٥٤ من حديث الإمام مسلم، صاحب الصحيح به وسححه الحاكم على شرط مسلم: ٤٢٥/١ ووافقه الذهبي أبو معاوية مدلس عنعن * حديث: "لا تقدموا شهر رمضان ... إلخ" تقدم: ٦٨٤، ٦٨٥ الثاني من طريق يحيى ابن أبي كثير.

Comments:

‘The day of doubt’ is the thirtieth of Sha‘bān, when the sky is overcast and cloudy the moon cannot be sighted, which causes doubt that perhaps it is a day of Ramaḍān, because the people could not see the moon, if a person fasts with the intention of fasting Ramaḍān, this fast is *Makruh Tahrimī* (nearly forbidden) according to the four *A‘immah*, majority Companions and the successors.

Chapter 5. What Has Been Related About: Fasting And Breaking Fast Are Based Upon The Sighting (Of The Crescent)

688. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ said: “Do not fast before Ramaḍān. Fast with its sighting, and break fast with its sighting, and if it is obscured from you, then complete thirty days.” (*Ṣaḥīḥ*)

There are narrations on this topic from Abū Hurairah, Abū Bakrah, and Ibn ‘Umar.

Abū ‘Eīsā said: The *Hadīth* of Ibn ‘Abbās is a *Hasan Ṣaḥīḥ Hadīth*, it has been reported from him through other routes.

(المعجم ٥) - بَابُ مَا جَاءَ أَنَّ الصَّوْمَ لِرُؤْيِيهِ الْهَلَالِ وَالْإِفْطَارِ لَهُ (التحفة ٥)

٦٨٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو الْأَخْوَصِ عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَصُومُوا قَبْلَ رَمَضَانَ، صُومُوا لِرُؤْيَيْهِ وَأَفْطِرُوا لِرُؤْيَيْهِ، فَإِنْ حَالَتْ دُونَهُ غَيَاةٌ فَأَكْمِلُوا ثَلَاثِينَ يَوْمًا».

وفي الباب عَنْ أَبِي هُرَيْرَةَ وَأَبِي بَكْرَةَ وَابْنِ عَمَرَ.

قَالَ أَبُو عِيْسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رُوِيَ عَنْهُ مِنْ غَيْرِ وَجْهِ.

تخريج: [صحيح] وأخرجه أبو داود، الصيام، باب من قال فإن غم عليكم فصوموا ثلاثين، ح: ٢٣٢٧ من حديث سمالك به وسنده ضعيف وللحديث شواهد صحيحة * وفي الباب عن أبي هريرة [البخاري، ح: ١٩٠٩ ومسلم، ح: ١٠٨١] وأبي بكر [البخاري، ح: ١٩١٢ ومسلم، ح: ١٠٨٩ بلفظ آخر] وابن عمر [البخاري، ح: ١٩٠٦ ومسلم، ح: ١٠٨٠].

Comments:

‘Allamah Mubarakpūrī said, both these *Ahādīth* are authentic and both guide to different subjects.

Chapter 6. What Has Been Related About: The Month Is Twenty-Nine Days

689. Ibn Mas'ūd said: "What I fasted with the Prophet ﷺ that was twenty-nine^[1] (days), was more than what we fasted that was thirty." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from 'Umar, Abū Hurairah, 'Āishah, Sa'd bin Abī Waqqāṣ, Ibn 'Abbās, Ibn 'Umar, Anas, Jābir, Umm Salamah, Abū Bakrah, that the Prophet ﷺ said: "The month is twenty-nine (days)."

(المعجم ٦) - بَابُ مَا جَاءَ أَنَّ الشَّهْرَ
يَكُونُ تِسْعًا وَعِشْرِينَ (التحفة ٦)

٦٨٩ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا
يَحْيَى بْنُ زَكَرِيَّا بْنُ أَبِي زَائِدَةَ: أَخْبَرَنِي عِيسَى
ابْنُ دِينَارٍ عَنْ أَبِيهِ، عَنْ عَمْرِو بْنِ الْحَارِثِ
ابْنِ أَبِي ضَرَّارٍ، عَنِ ابْنِ مَسْعُودٍ قَالَ: مَا
صُمْتُ مَعَ النَّبِيِّ ﷺ تِسْعًا وَعِشْرِينَ أَكْثَرَ مِمَّا
صُمْنَا ثَلَاثِينَ.

[قَالَ:] فِي الْبَابِ عَنْ عُمَرَ وَأَبِي هُرَيْرَةَ
وَعَائِشَةَ وَسَعْدِ بْنِ أَبِي وَقَّاصٍ وَابْنِ عَبَّاسٍ وَابْنِ
عُمَرَ وَأَنْسٍ وَجَابِرٍ وَأُمِّ سَلَمَةَ وَأَبِي بَكْرَةَ أَنَّ
النَّبِيَّ ﷺ قَالَ: «الشَّهْرُ يَكُونُ تِسْعًا وَعِشْرِينَ».

تخريج: [إسناده صحيح] وأخرجه أبو داود، الصيام، باب الشهر يكون تسعًا وعشرين،
ح: ٢٣٢٢ عن أحمد بن منيع به وصححه ابن خزيمة، ح: ١٩٢٢ * وفي الباب عن عمر [لعله يشير
إلى حديث البخاري، ح: ١٩٥٤ ومسلم، ح: ١١٠٠] وأبي هريرة [تقدم: ٦٨٤] وعائشة [مسلم،
ح: ١٠٨٣] وسعد بن أبي وقاص [مسلم، ح: ١٠٨٦] وابن عباس [مسلم، ح: ١٠٨٨] وابن عمر
[البخاري، ح: ١٩١٣ ومسلم، ح: ١٠٨٠] وأنس [يأتي: ٦٩٠] وجابر [مسلم، ح: ١٠٨٤] وأم
سلمة [البخاري، ح: ٥٢٠٢ ومسلم، ح: ١٠٨٥] وأبي بكر [يأتي: ٦٩٢].

Comments:

It is proven from this *Hadīth* that change of the lunar month depends on sighting the new crescent, it does not depend merely on the existence of the moon, and the change of the new lunar month cannot be based merely on the calculation of the science of astronomy.

690. Anas narrated: "The Messenger of Allāh ﷺ vowed to stay away from his wives for a month, so he stayed in a loft for twenty-nine days. They said: 'O Messenger of Allāh, your vow was for a month,' so

٦٩٠ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا
إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ أَنَّهُ
قَالَ: أَلَى رَسُولِ اللَّهِ ﷺ مِنْ نِسَائِهِ شَهْرًا
فَأَقَامَ فِي مَشْرُبَةٍ تِسْعًا وَعِشْرِينَ يَوْمًا، قَالُوا:

^[1] Meaning, in most cases the month was twenty-nine days.

he said: "The month is twenty-nine (days)." (*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

تخریج: وأخرجه البخاري، الصوم، باب قول النبي ﷺ: "إذا رأيتم الهلال فصوموا، وإذا رأيتموه فأفطروا"، ح: ١٩١١ من حديث حميد الطويل به.

Comments:

The month of Ramaḍān occurred nine times in the lifetime of the Messenger of Allāh ﷺ and only once the month of Ramaḍān was thirty days. (*Ma'ārif As-Sunan*: 5/343)

Chapter 7. What Has Been Related About Fasting Based Upon Testimony

691. Ibn 'Abbās narrated: "A Bedouin came to the Prophet ﷺ and said: 'I have seen the crescent.' So he said: 'Do you testify that none has the right to the worshipped but Allāh? Do you testify that Muḥammad is the Messenger of Allāh ﷺ?' He said: 'Yes.' So he said: 'O Bilāl! Announce to the people that they should fast tomorrow.'" (*Da'if*)

(Another route) from Simāk (one of the narrators) that is similar (with this chain).

Abū 'Eīsā said: There is some differing (in the narration of) the *Ḥadīth* of Ibn 'Abbās. It was reported by Sufyān Ath-Thawrī and others from Simāk bin Ḥarb, from 'Ikrimah, from the Prophet ﷺ which is *Mursal*, and most of the companions of Simāk reported it from Simāk from 'Ikrimah from the Prophet ﷺ in *Mursal* form. This *Ḥadīth* is acted upon according to most of the people of knowledge. They say that the testimony of one man is

يَا رَسُولَ اللَّهِ؛ إِنَّكَ آلَيْتَ شَهْرًا فَقَالَ: «الشَّهْرُ تِسْعٌ وَعِشْرُونَ».

قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

(المعجم ٧) - بَابُ مَا جَاءَ فِي الصَّوْمِ بِالشَّهَادَةِ (التحفة ٧)

٦٩١ - حَدَّثَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ: حَدَّثَنَا الْوَلِيدُ بْنُ أَبِي ثَوْرٍ عَنْ سِمَاكٍ، عَنْ عِكْرَمَةَ، عَنِ ابْنِ عَبَّاسٍ قَالَ: جَاءَ أَغْرَابِيُّ إِلَى النَّبِيِّ ﷺ قَالَ: إِنِّي رَأَيْتُ الْهَلَالَ، فَقَالَ: «أَتَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ؟ أَتَشْهَدُ أَنَّ مُحَمَّدًا رَسُولُ اللَّهِ؟» قَالَ: نَعَمْ، قَالَ: «يَا بِلَالُ! أَدْنُ فِي النَّاسِ أَنْ يَصُومُوا غَدًا».

حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا حُسَيْنُ الْجُعْفِيُّ عَنْ زَائِدَةَ، عَنْ سِمَاكٍ نَحْوَهُ [بِهَذَا الْإِسْنَادِ]. قَالَ أَبُو عِيْسَى: حَدِيثُ ابْنِ عَبَّاسٍ فِيهِ اخْتِلَافٌ. وَرَوَى سُفْيَانُ الثَّوْرِيُّ وَغَيْرُهُ عَنْ سِمَاكٍ بْنِ حَرْبٍ، عَنْ عِكْرَمَةَ عَنِ النَّبِيِّ ﷺ مُرْسَلًا وَأَكْثَرُ أَصْحَابِ سِمَاكٍ رَوَوْا عَنْ سِمَاكٍ، عَنْ عِكْرَمَةَ عَنِ النَّبِيِّ ﷺ مُرْسَلًا.

وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ، قَالُوا: تُقْبَلُ شَهَادَةُ رَجُلٍ وَاحِدٍ فِي

accepted for fasting. This is the view of Ibn Al-Mubārak, Ash-Shāfi‘ī, Aḥmad, (and the people of Al-Kūfah). Ishāq said that fasting is not begun without the testimony of two men, and there is no disagreement among the people of knowledge regarding breaking the fast; that it is not accepted in that case without the testimony of two men.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الصيام، باب: في شهادة الواحد على رؤية هلال رمضان، ح: ٢٣٤٠ وابن ماجه، ح: ١٦٥٢ والنسائي: ١٣١/٤، ١٣٢، ح: ٢١١٤، ٢١١٥ من حديث سماك به وصححه ابن خزيمة، ح: ١٩٢٣، ١٩٢٤ وابن حبان (الإحسان): ٣٤٣٧ والحاكم ٤٢٤/١ * رواية سماك عن عكرمة ضعيفة على الراجح، وصحيحة عن غير عكرمة.

Chapter 8. What Has Been Related About: The Two Months Of ‘Eid Will Not Both Be Defecient

692. ‘Abdur-Raḥmān bin Abī Bakrah narrated from his father that the Messenger of Allāh ﷺ said: “The two months of ‘Eid will not both be defecient: Ramaḍān and Dhul-Hijjah.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: The *Ḥadīth* of Abū Bakrah is a *Ḥasan Ḥadīth*. This *Ḥadīth* has been reported from ‘Abdur-Raḥmān bin Abī Bakr from the Prophet ﷺ in *Mursal* form. Aḥmad commented on the meaning of the *Ḥadīth* “The two months of ‘Eid will not both be defecient” saying: “Ramaḍān and Dhul-Hijjah will not both be decreased in the same year, if one of them is decreased, then the other one will be complete.” Ishāq said: “It means that they will not be defecient.” He said: “If it is twenty-nine days, it will still be complete,

الصَّيَامِ . وَبِهِ يَقُولُ ابْنُ الْمُبَارَكِ وَالشَّافِعِيُّ وَأَحْمَدُ [وَأَهْلُ الْكُوفَةِ]. وَقَالَ إِسْحَاقُ: لَا يُصَامُ إِلَّا بِشَهَادَةِ رَجُلَيْنِ وَلَمْ يَخْتَلِفْ أَهْلُ الْعِلْمِ فِي الْإِفْطَارِ أَنَّهُ لَا يَقْبَلُ فِيهِ إِلَّا شَهَادَةُ رَجُلَيْنِ .

(المعجم ٨) - بَابُ مَا جَاءَ شَهْرًا عِيدٍ لَا يَنْقُصَانِ (التحفة ٨)

٦٩٢ - حَدَّثَنَا [أَبُو سَلَمَةَ] يَحْيَى بْنُ خَلْفٍ الْبَصْرِيُّ: حَدَّثَنَا بِشْرُ بْنُ الْمُفَضَّلِ عَنْ خَالِدِ الْحَدَّاءِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرَةَ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «شَهْرَا عِيدٍ لَا يَنْقُصَانِ: رَمَضَانُ وَذُو الْحِجَّةِ».

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي بَكْرَةَ حَدِيثٌ حَسَنٌ.

وَقَدْ رَوَى هَذَا الْحَدِيثُ عَنْ عَبْدِ الرَّحْمَنِ ابْنِ أَبِي بَكْرَةَ عَنِ النَّبِيِّ ﷺ مُرْسَلًا .

قَالَ أَحْمَدُ: مَعْنَى هَذَا الْحَدِيثِ «شَهْرَا عِيدٍ لَا يَنْقُصَانِ» يَقُولُ: لَا يَنْقُصَانِ مَعًا فِي سَنَةٍ وَاحِدَةٍ شَهْرُ رَمَضَانَ وَذُو الْحِجَّةِ إِنْ نَقَصَ أَحَدُهُمَا تَمَّ الْآخَرُ.

not defecient.” So according to the view of Ishāq it is possible that the two months would be decreased in the same year.

وَقَالَ إِسْحَاقُ: مَعْنَاهُ لَا يَنْقُصَانِ، يَقُولُ
وَإِنْ كَانَ تِسْعًا وَعِشْرِينَ فَهُوَ تَمَامٌ غَيْرُ
نَقْصَانٍ. وَعَلَى مَذْهَبِ إِسْحَاقَ يَكُونُ يَنْقُصُ
الشَّهْرَانِ مَعًا فِي سَنَةٍ وَاحِدَةٍ.

تخريج: متفق عليه، وأخرجه مسلم، الصيام، باب بيان معنى قوله ﷺ: "شهرًا عيد لا ينقصان"، ح: ١٠٨٩، والبخاري، الصوم، باب شهرًا عيد لا ينقصان، ح: ١٩١٢ من حديث خالد الحذاء به.

Comments:

The month consisting of twenty-nine days will have the same status as the one of thirty days, it will be regarded a full month, not incomplete; as the Prophet ﷺ regarded the month of twenty-nine days as a complete month and ended the period of *ilā* according to it.

Chapter 9. What Has Been Related About: For The People Of Every Land There Is A Sighting

(المعجم ٩) - بَابُ مَا جَاءَ لِكُلِّ أَهْلِ
بَلَدٍ رُؤْيَتْهُمْ (التحفة ٩)

703. Muḥammad bin Abī Ḥarmalah narrated: “Kuraib informed me that Umm Al-Faḍl bint Al-Ḥārith sent him to Mu‘āwiyah in Ash-Shām. He said: ‘So I arrived in Ash-Shām and finished her errand, and I saw the crescent of Ramaḍān while I was in Ash-Shām. We saw the crescent on the night of Friday. Then I arrived in Al-Madīnah at the end of the month. Ibn ‘Abbās was questioning me, then he mentioned the crescent and he said: “When did you see the crescent?” I said: “We saw it on the night of Friday.” He said: “Did you see it on the night of Friday?” I said: “The people saw it, so they fasted, and Mu‘āwiyah fasted.” He said: “But we saw it on the night of Saturday, so we will not stop fasting until we complete thirty days or we

٦٩٣ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي حَرْمَلَةَ: أَخْبَرَنِي كُرَيْبٌ أَنَّ أُمَّ الْفَضْلِ بِنْتَ الْحَارِثِ بَعَثَتْهُ إِلَى مُعَاوِيَةَ بِالشَّامِ، قَالَ: فَقَدِمْتُ الشَّامَ فَقَضَيْتُ حَاجَتَهَا وَاسْتَهْلَ عَلَيَّ هِلَالُ رَمَضَانَ وَأَنَا بِالشَّامِ فَرَأَيْنَا الْهِلَالَ لَيْلَةَ الْجُمُعَةِ، ثُمَّ قَدِمْتُ الْمَدِينَةَ فِي آخِرِ الشَّهْرِ فَسَأَلَنِي ابْنُ عَبَّاسٍ ثُمَّ ذَكَرَ الْهِلَالَ فَقَالَ: مَتَى رَأَيْتُمُ الْهِلَالَ؟ فَقُلْتُ: رَأَيْنَاهُ لَيْلَةَ الْجُمُعَةِ، فَقَالَ: [أَأَنْتَ رَأَيْتَهُ لَيْلَةَ الْجُمُعَةِ؟] فَقُلْتُ: رَأَاهُ النَّاسُ فَصَامُوا وَصَامَ مُعَاوِيَةُ، فَقَالَ: لَكِنْ رَأَيْنَاهُ لَيْلَةَ السَّبْتِ فَلَا تَزَالُ نَصُومُ حَتَّى نُكْمِلَ ثَلَاثِينَ يَوْمًا أَوْ نَرَاهُ، فَقُلْتُ: أَلَا تَكْتَفِي بِرُؤْيَا

see it.” So I said: “Is not the sighting and fasting of Mu‘āwiyah enough for you?” He said: “This is not how the Messenger of Allāh ﷺ ordered us.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: The *Ḥadīth* of Ibn ‘Abbās is a *Ḥasan Ṣaḥīḥ Gharīb Ḥadīth*.

This *Ḥadīth* is acted upon according to the people of knowledge; the people of each land have their own sighting.

مُعَاوِيَةَ وَصِيَامِهِ؟ قَالَ: لَا هَكَذَا أَمَرَنَا رَسُولُ اللَّهِ ﷺ.

قَالَ أَبُو عِيْسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ.

وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ أَهْلِ الْعِلْمِ أَنَّ لِكُلِّ أَهْلِ بَلَدٍ رُؤْيَتَهُمْ.

تَخْرِيج: وَأَخْرَجَهُ مُسْلِمٌ، الصِّيَامُ، بَابُ بَيَانِ أَنَّ لِكُلِّ بَلَدٍ رُؤْيَتَهُمْ، ح: ١٠٨٧ عَنْ عَلِيِّ بْنِ

Comments:

حجر به.

It is obvious from the statement of Imām At-Tirmidhī that the moon sighting is different for each locality or for the people of each city and it is not disagreed, according to Ibn Al-Mundhir Imām Laith, Ash-Shāfi‘ī, Aḥmad, Mālik and Abū Ḥanīfah hold the same opinion.

Chapter 10. What Has Been Related About What It Is Recommend To Break The Fast With

694. Anas bin Mālik narrated that the Messenger of Allāh ﷺ said: “Whoever has dried dates, then let him break the fast with that, and whoever does not, then let him break the fast with water, for indeed water is purifying.” (*Ṣaḥīḥ*)

(He said:) There is something on this topic from Salmān bin ‘Āmir.

Abū ‘Eīsā said: We do not know of anyone who reported the *Ḥadīth* of Anas from Shu‘bah like this except for Sa‘eed bin ‘Āmir. So it is a narration that is not preserved, we do not know any basis for it being a narration of ‘Abdul-‘Azīz bin Ṣuhaib from Anas. The

(المعجم ١٠) - بَابُ مَا جَاءَ مَا يُسْتَحَبُّ عَلَيْهِ الْإِفْطَارُ (التحفة ١٠)

٦٩٤ - حَدَّثَنَا مُحَمَّدُ بْنُ عُمَرَ بْنِ عَلِيٍّ الْمُقَدَّمِيُّ: حَدَّثَنَا سَعِيدُ بْنُ عَامِرٍ: حَدَّثَنَا شُعْبَةُ عَنْ عَبْدِ الْعَزِيزِ بْنِ صُهَيْبٍ، عَنْ أَنَسِ ابْنِ مَالِكٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ وَجَدَ تَمْرًا فَلْيُفْطِرْ عَلَيْهِ وَمَنْ لَا فَلْيُفْطِرْ عَلَى مَاءٍ فَإِنَّ الْمَاءَ طَهُورٌ».

[قَالَ:] وَفِي الْبَابِ عَنْ سَلْمَانَ بْنِ عَامِرٍ. قَالَ أَبُو عِيْسَى: حَدِيثُ أَنَسٍ لَا نَعْلَمُ أَحَدًا رَوَاهُ عَنْ شُعْبَةَ مِثْلَ هَذَا غَيْرَ سَعِيدِ بْنِ عَامِرٍ. وَهُوَ حَدِيثٌ غَيْرُ مَحْفُوظٍ وَلَا نَعْلَمُ لَهُ

companions of Shu'bah reported this *Hadīth* from Shu'bah, from 'Āsim Al-Aḥwāl, from Ḥaḥṣah bint Sīrīn, from Ar-Rabāb, from Salmān bin 'Āmir from the Prophet ﷺ. And it is more correct than the narration of Sa'eed bin 'Āmir. They also reported it from Shu'bah from 'Āsim, from Ḥaḥṣah bint Sīrīn, from Salmān bin 'Āmir, and Shu'bah did not mention "from Ar-Rabāb" in it. What is correct is what is narrated by Sufyān Ath-Thawrī, Ibn 'Uyainah and others, from 'Āsim Al-Aḥwāl, from Ḥaḥṣah bint Sīrīn, from Ar-Rabāb, from Salmān bin 'Āmir.^[1] Ibn 'Awn said: "From Umm Ar-Rā'ih bint Ṣulāī, from Salman bin 'Āmir," and Ar-Rabāb is Umm Ar-Rā'ih.

أَصْلًا مِنْ حَدِيثِ عَبْدِ الْعَزِيزِ بْنِ صُهَيْبٍ، عَنْ أَنَسٍ. وَقَدْ رَوَى أَصْحَابُ شُعْبَةَ هَذَا الْحَدِيثِ، عَنْ شُعْبَةَ، عَنْ عَاصِمِ الْأَحْوَلِ، عَنْ حَفْصَةَ ابْنَةِ سِيرِينَ، عَنِ الرَّبَابِ، عَنْ سَلْمَانَ بْنِ عَامِرٍ عَنِ النَّبِيِّ ﷺ وَهُوَ أَصَحُّ مِنْ حَدِيثِ سَعِيدِ بْنِ عَامِرٍ. وَهَكَذَا رَوَوْا عَنْ شُعْبَةَ، عَنْ عَاصِمٍ، عَنْ حَفْصَةَ ابْنَةِ سِيرِينَ، عَنْ سَلْمَانَ بْنِ عَامِرٍ وَلَمْ يَذْكُرْ فِيهِ شُعْبَةُ: عَنِ الرَّبَابِ. وَالصَّحِيحُ مَا رَوَى سُفْيَانُ الثَّوْرِيُّ وَابْنُ عُيَيْنَةَ وَغَيْرُ وَاحِدٍ، عَنْ عَاصِمِ الْأَحْوَلِ، عَنْ حَفْصَةَ بِنْتِ سِيرِينَ، عَنِ الرَّبَابِ، عَنْ سَلْمَانَ بْنِ عَامِرٍ. وَابْنُ عُيَيْنَةَ يَقُولُ: عَنْ أُمِّ الرَّابِيعِ بِنْتِ صُلَيْعٍ، عَنْ سَلْمَانَ ابْنِ عَامِرٍ. وَالرَّبَابُ هِيَ أُمُّ الرَّابِيعِ.

تخریج: [صحیح] وأخرجه النسائي في الكبرى، ح: ٣٣١٧ عن محمد بن عمر بن علي به وصححه ابن خزيمة، ح: ٢٠٦٦ والحاكم: ٤٣١/١ على شرط الشيخين ووافقه الذهبي وللحديث شواهد عند أبي داود، ح: ٢٣٥٦ وغيره * وفي الباب عن سلمان بن عامر [يأتي: ٦٩٥].

695. Salmān bin 'Āmir Aḍ-Ḍabbi narrated that the Prophet ﷺ said: "When one of you breaks his fast, then let him do so with dried dates. And whoever does not find dates, then water, for it is purifying." (*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Hadīth* is *Ḥasan Ṣaḥīḥ*.

٦٩٥ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا سُفْيَانُ عَنْ عَاصِمِ الْأَحْوَلِ؛ ح: وَحَدَّثَنَا هَنَادٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ عَاصِمِ الْأَحْوَلِ: [وَحَدَّثَنَا قُتَيْبَةُ قَالَ: أَبَانَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَاصِمِ الْأَحْوَلِ]، عَنْ حَفْصَةَ بِنْتِ سِيرِينَ، عَنِ الرَّبَابِ، عَنْ سَلْمَانَ ابْنِ عَامِرٍ الضَّبِّيِّ عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا أَفْطَرَ أَحَدُكُمْ فَلْيَفْطِرْ عَلَى تَمْرٍ فَإِنْ لَمْ يَجِدْ فَلْيَفْطِرْ عَلَى مَاءٍ فَإِنَّهُ طَهُورٌ».

[1] That is no. 658 as well as the following *Hadīth*.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: [صحيح] وأخرجه أبو داود، الصيام، باب ما يفطر عليه، ح: ٢٣٥٥ وابن ماجه، ح: ١٦٩٩ من حديث عاصم الأحول به وصححه ابن خزيمة، ح: ٢٠٦٧ وابن حبان، ح: ٨٩٢ وأبو حاتم والحاكم: ٤٣١/١، ٤٣٢ والذهبي وغيرهم.

696. Anas bin Mālik narrated: "The Messenger of Allāh ﷺ would break the fast with fresh dates before performing *Ṣalāt*. If there were no fresh dates then (he would break the fast) with dried dates, and if there were no dried dates then he would take a few sips of water." (*Hasan*)

Abū 'Eīsā said: This *Hadīth* is *Hasan Gharīb*.

(Abū 'Eīsā said: It has been related that during the winter the Prophet ﷺ would break the fast with dried dates, and during the summer he would do so with water.)

تخريج: [إسناده حسن] وأخرجه أبو داود، ح: ٢٣٥٦ (انظر الحديث السابق) من حديث عبد الرزاق به وصححه الدارقطني: ١٨٥/٢ والحاكم على شرط مسلم: ٤٢٢/١ ووافقه الذهبي.

Chapter 11. What Has Been Related About: (The Fast Is The Day The People Fast And) The Breaking Of The Fast Is The Day When The People Break The Fast, And The Sacrifice Is The Day The People Sacrifice

697. Abū Hurairah narrated that the Prophet ﷺ said: "The fast is the day the people fast, the breaking of the fast is the day the people break their fast, and the sacrifice is the day the people sacrifice." (*Hasan*)

٦٩٦ - حَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا جَعْفَرُ بْنُ سُلَيْمَانَ عَنْ ثَابِتٍ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يُفْطِرُ قَبْلَ أَنْ يُصَلِّيَ عَلَى رُطَبَاتٍ، فَإِنْ لَمْ تَكُنْ رُطَبَاتٍ فَتَمِيرَاتٍ، فَإِنْ لَمْ تَكُنْ تَمِيرَاتٍ حَسَا حَسَوَاتٍ مِنْ مَاءٍ. قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ.

[قَالَ أَبُو عِيسَى: وَرَوَى أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يُفْطِرُ فِي الشِّتَاءِ عَلَى تَمَرَاتٍ، وَفِي الصَّيْفِ عَلَى الْمَاءِ].

(المعجم ١١) - بَابُ مَا جَاءَ أَنَّ [الصَّوْمَ يَوْمَ تَصُومُونَ وَ] [الْفِطْرَ يَوْمَ تُفْطِرُونَ وَالْأَضْحَى يَوْمَ تُضْحُونَ] (التحفة ١١)

٦٩٧ - حَدَّثَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْمُنْذِرِ: حَدَّثَنَا إِسْحَاقُ بْنُ جَعْفَرِ بْنِ مُحَمَّدٍ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ جَعْفَرٍ عَنْ عُثْمَانَ بْنِ مُحَمَّدٍ [الْأَخْشَسِيِّ]، عَنْ

Abū 'Eīsā said: This *Hadīth* is *Gharīb Hasan*, and some of the people of knowledge explained this *Hadīth* by saying that this only means that the fast and the breaking of the fast is done with the *Jamā'ah* and the masses of the people.

[سَعِيدٌ] الْمَقْبَرِيُّ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «الصَّوْمُ يَوْمَ تَصُومُونَ، وَالْفِطْرُ يَوْمَ تُفْطِرُونَ، وَالْأَصْحَى يَوْمَ تُصْحُونَ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ حَسَنٌ وَمَسَّرَ بَعْضُ أَهْلِ الْعِلْمِ هَذَا الْحَدِيثَ فَقَالَ: إِنَّمَا مَعْنَى هَذَا، أَنَّ الصَّوْمَ وَالْفِطْرَ مَعَ الْجَمَاعَةِ وَعِظَمِ النَّاسِ.

تخريج: [إسناده حسن] وأخرجه البيهقي: ٢٥٢/٤ من حديث عبدالله بن جعفر الزهري به وهو في شرح السنة للبغوي: ٢٤٧/٦، ٢٤٨، ح: ١٧٢٦ من حديث الترمذي به وللحديث شواهد عند أبي داود، ح: ٢٣٢٤ وابن ماجه، ح: ١٦٦٠ وغيرهما.

Comments:

The objective of this *Hadīth* is that unity in acts of worship should be maintained. If all the people fall victim to a juristic mistake, for example: they cannot see the new crescent and they regard the month as thirty days, while it was, in fact, of twenty-nine days, in this case they will not be sinful and they should not be criticised or accused of a mistake.

Chapter 12. What Has Been Related About: When The Night Advances And The Day Retreats, Then The Fasting Person Breaks The Fast

(المعجم ١٢) - بَابُ مَا جَاءَ إِذَا أَقْبَلَ اللَّيْلُ وَأَدْبَرَ النَّهَارُ فَقَدْ أَفْطَرَ الصَّائِمُ (التحفة ١٢)

698. 'Umar bin Al-Khaṭṭāb narrated that the Messenger of Allāh ﷺ said: "When the night advances and the day retreats, and the sun is hidden, then the fast is to be broken."

٦٩٨ - حَدَّثَنَا هَارُونُ بْنُ إِسْحَاقَ الْهَمْدَانِيُّ: حَدَّثَنَا عَبْدُهُ [بْنُ سُلَيْمَانَ] عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَاصِمِ بْنِ عُمَرَ، عَنْ عُمَرَ بْنِ الْخَطَّابِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا أَقْبَلَ اللَّيْلُ وَأَدْبَرَ النَّهَارُ وَغَابَتِ الشَّمْسُ فَقَدْ أَفْطَرْتَ».

(He said:) There are narrations on this topic from Ibn Abī Awfā and Abū Sa'eed. (*Ṣaḥīḥ*)

[قَالَ:] وفي الباب عن ابن أبي أوفى وأبي سعيد.

Abū 'Eīsā said: The *Hadīth* of 'Umar is a *Hasan Ṣaḥīḥ Hadīth*.

قَالَ أَبُو عِيسَى: حَدِيثُ عُمَرَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه البخاري، الصوم، باب: متى يحل فطر الصائم؟، ح: ١٩٥٤ ومسلم، الصيام، باب بيان وقت انقضاء الصوم وخروج النهار، ح: ١١٠٠ من حديث هشام بن عروة به * وفي الباب عن ابن أبي أوفى [البخاري، ح: ١٩٤١ ومسلم، ح: ١١٠١] وأبي سعيد [البخاري قبل، ح: ١٩٥٤ تعليقاً].

Chapter 13. What Has Been Related About Hastening To Break The Fast

(المعجم ١٣) - بَابُ مَا جَاءَ فِي تَعْجِيلِ الْإِفْطَارِ (التحفة ١٣)

699. Sahl bin Sa'd narrated that the Messenger of Allāh ﷺ said: "The people will remain upon goodness as long as they hasten to break the fast." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Abū Hurairah, Ibn 'Abbās, 'Āishah, and Anas bin Mālik.

Abū 'Eisā said: The *Hadīth* of Sahl bin Sa'd is a *Ḥasan Ṣaḥīḥ Hadīth*. This is what is preferred by the people of knowledge among the Companions of the Prophet ﷺ and others, they consider it recommended to hasten breaking the fast. This is the saying of Ash-Shāfi'ī, Aḥmad and Ishāq.

٦٩٩ - حَدَّثَنَا بُنْدَارٌ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ ابْنُ مَهْدِيٍّ عَنْ سُفْيَانَ، عَنْ أَبِي حَازِمٍ؛ ح [قَالَ]: وَأَخْبَرَنَا أَبُو مُضْعَبٍ قِرَاءَةً عَنْ مَالِكِ ابْنِ أَنَسٍ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَزَالُ النَّاسُ بِخَيْرٍ مَا عَجَلُوا الْفِطْرَ».

[قَالَ:] وفي الباب عن أبي هريرة وابن عباس وعائشة وأنس بن مالك.

قَالَ أَبُو عِيسَى: حَدِيثُ سَهْلِ بْنِ سَعْدٍ حَدِيثٌ حَسَنٌ صَحِيحٌ، وَهُوَ الَّذِي اخْتَارَهُ أَهْلُ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ اسْتَنْجَبُوا تَعْجِيلَ الْفِطْرِ. وَبِهِ يَقُولُ الشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ.

تخریج: متفق عليه، البخاري، الصوم، باب تعجيل الإفطار، ح: ١٩٥٧ من حديث مالك ومسلم، الصيام، باب فضل السحور وتأکید استحبابه ... إلخ، ح: ١٠٩٨ من حديث أبي حازم به * وفي الباب عن أبي هريرة [يأتي: ٧٠٠] وابن عباس [تقدم في تخریج حديث: ٢٥٢] وعائشة [يأتي: ٧٠٢] وأنس بن مالك [الحاكم في المستدرک: ١/ ٤٣٢].

Comments:

Arrival of the night, departure of the day and setting of the sun, three matters are mutually necessary for each other, and the real objective is the certainty of the setting of the sun. So as soon as the sun sets, the fasting person should break the fast without delay and hesitation.

700. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Allāh, Mighty and Sublime is He, said: 'Those of My worshippers who are most beloved to Me are the quickest to break their fast.'" (*Ḍaʿīf*)

٧٠٠ - حَدَّثَنَا إِسْحَاقُ بْنُ مُوسَى الْأَنْصَارِيُّ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ عَنِ الْأَوْزَاعِيِّ، عَنْ قُرَّةَ [بِنِ عَبْدِ الرَّحْمَنِ]، عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «قَالَ اللَّهُ عَزَّ وَجَلَّ: أَحَبُّ عِبَادِي إِلَيَّ أَعَجَلُهُمْ فِطْرًا».

تخريج: [إسناده ضعيف] وأخرجه أحمد: ٣٣٧/٢، ٣٣٨، ح: ٧٢٤٠ عن الوليد بن مسلم به وصححه ابن خزيمة، ح: ٢٠٦٢ وابن حبان (الإحسان): ٣٤٩٩ الزهري مدلس وعنن.

Comments:

Some *Aḥādīth* show that the affairs of the followers of Muḥammad ﷺ will remain good as long as they hasten to break the fast and delay taking the predawn meal. (*Tuḥfat Al-Aḥwadhī*: 3/331). Its reason and wisdom is that hastening to break the fast and delaying to take predawn meal is the commandment of *Shari'ah* and dear to Allāh, and therein is also easiness and flexibility for the Muslims in general which is a means of Allāh's Mercy and Grace.

701. (A *Ḥadīth* similar to no. 700 with a different chain). (*Ḍaʿīf*)

Abū 'Eīsā said: This *Ḥadīth* is *Ḥasan Gharīb*.

٧٠١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ: حَدَّثَنَا أَبُو عَاصِمٍ وَأَبُو الْمُغِيرَةِ، عَنِ الْأَوْزَاعِيِّ بِهَذَا الْإِسْنَادِ نَحْوَهُ. قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ.

تخريج: [ضعيف] انظر الحديث السابق.

702. Abū 'Aṭīyyah said: "Masrūq and I entered upon 'Āishah and we said: 'O Mother of the Believers! There are two men from the Companions of Muḥammad ﷺ, one of them hastens to break the fast and he hastens to perform the *Ṣalāt*. The other delays breaking the fast and he delays the *Ṣalāt*.' She said: 'Which of them hastens to break the fast and hastens to perform the *Ṣalāt*?' We said that it was 'Abdullāh bin Mas'ūd. She

٧٠٢ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ أَبِي عَطِيَّةٍ قَالَ: دَخَلْتُ أَنَا وَمَسْرُوقٌ عَلَى عَائِشَةَ فَقُلْنَا: يَا أُمُّ الْمُؤْمِنِينَ رَجُلَانِ مِنْ أَصْحَابِ مُحَمَّدٍ ﷺ أَحَدُهُمَا يُعَجِّلُ الْإِفْطَارَ وَيُعَجِّلُ الصَّلَاةَ، وَالْآخَرُ يُؤَخِّرُ الْإِفْطَارَ وَيُؤَخِّرُ الصَّلَاةَ. قَالَتْ: أَيُّهُمَا يُعَجِّلُ الْإِفْطَارَ وَيُعَجِّلُ الصَّلَاةَ؟ قُلْنَا: عَبْدُ اللَّهِ بْنُ مَسْعُودٍ، قَالَتْ:

said: 'This is how the Messenger of Allāh ﷺ did it.' And the other was Abū Mūsā. (Ṣaḥīḥ)

Abū 'Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

Abū 'Aṭīyyah's name is Mālik bin Abī 'Āmir Al-Hamdānī, and they also said it is Mālik bin 'Āmir Al-Hamdānī, which is more correct.

هَكَذَا صَنَعَ رَسُولُ اللَّهِ ﷺ. وَالْآخَرُ أَبُو مُوسَى.

قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَأَبُو عَطِيَّةَ اسْمُهُ مَالِكُ بْنُ أَبِي عَامِرٍ الْهَمْدَانِيُّ وَيُقَالُ: مَالِكُ بْنُ عَامِرٍ الْهَمْدَانِيُّ وَهُوَ أَصَحُّ.

تخريج: وأخرجه مسلم، الصيام، باب فضل السحور وتأکید استحبابه ... إلخ، ح: ١٠٩٩ من حديث أبي معاوية الضرير به.

Chapter 14. What Has Been Related About Delaying The *Ṣaḥūr*

703. Anas (bin Mālik) narrated that Zaid bin Thābit said: "We ate *Ṣaḥūr* with the Messenger of Allāh ﷺ, then we stood for the *Ṣalāt*." I (Anas) said: "How long was that?" He said: "About the length of fifty *Ayahs*." (Ṣaḥīḥ)

(المعجم ١٤) - بَابُ مَا جَاءَ فِي تَأْخِيرِ السَّحُورِ (التحفة ١٤)

٧٠٣ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى: [حَدَّثَنَا أَبُو دَاوُدَ الطَّيَالِسِيُّ: حَدَّثَنَا هِشَامُ الدَّسْتَوَائِي عَنْ قَتَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ]، عَنْ زَيْدِ بْنِ ثَابِتٍ قَالَ: تَسَحَّرْنَا مَعَ رَسُولِ اللَّهِ ﷺ ثُمَّ قُمْنَا إِلَى الصَّلَاةِ قَالَ: قُلْتُ: كَمْ كَانَ قَدْرُ ذَلِكَ؟ قَالَ: قَدْرُ خَمْسِينَ آيَةً.

تخريج: متفق عليه، وأخرجه البخاري، الصوم، باب قدر كم بين السحور وصلاة الفجر؟ ح: ١٩٢١ ومسلم، الصيام، باب فضل السحور وتأکید استحبابه ... إلخ، ح: ١٠٩٧ من حديث هشام الدستوائي به.

Comments:

Reading fifty Verses slowly, according to the true pronunciation and rules of recitation, takes about five to seven minutes. Accordingly, it may be said that the interval of the Messenger of Allāh ﷺ between his predawn meal and the call to morning prayer was only five to seven minutes or less than that; a narration of *Ṣaḥīḥ Al-Bukhārī* also clarifies this issue. (*Hadīth* 575-1921)

704. (Another chain) except that he said: "About the length for reciting fifty *Ayahs*." (Ṣaḥīḥ)

(He said:) There is a narration on this topic from Ḥudhaifah.

Abū 'Eīsā said: The *Hadīth* of

٧٠٤ - حَدَّثَنَا هَمَّادٌ: حَدَّثَنَا وَكِيعٌ عَنْ هِشَامِ بْنِ حَوْهٍ إِلَّا أَنَّهُ قَالَ: قَدْرُ قِرَاءَةِ خَمْسِينَ آيَةً.

[قَالَ:] فِي الْبَابِ عَنْ حُذَيْفَةَ.

Zaid bin Thābit is a *Hasan Ṣaḥīḥ Hadīth*, and this is the view of Ash-Shāfi'ī, Aḥmad and Ishāq. They consider it recommended to delay the *Ṣaḥūr*.

قَالَ أَبُو عِيسَى: حَدِيثُ زَيْدِ بْنِ ثَابِتٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَبِهِ يَقُولُ الشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ اسْتَحَبُّوا تَأْخِيرَ السَّحُورِ.

تخريج: وأخرجه مسلم من حديث وكيع به، انظر الحديث السابق * وفي الباب عن حذيفة [النسائي، ح: ٢١٥٤].

Comments:

Imām Nawawī quoted: The interval between having had the predawn meal and entering into the prayer is equal to the extent of reading fifty Verses. (*Ma'ārif As-Sunan*: 5/362) and a narration of *Sunan At-Tirmidhī* also means the same, because the apparent question is about the interval between standing for prayer and taking the predawn meal; and Imām Al-Bukhārī also established the title of a chapter, which is 'the extent of the interval between taking the predawn meal and the morning prayer' (*Fath Al-Bārī*: 4/177)

Chapter 15. What Has Been Related About Clarifying *Al-Fajr*

705. 'Alī bin Ṭalq narrated that the Messenger of Allāh ﷺ said: "Eat and drink, and do not be disturbed by the rising glow, eat and drink until the redness appears to you on the horizon." (*Hasan*)

(He said:) There are narrations on this topic from 'Adī bin Ḥātim, Abū Dharr, and Samurah.

Abū 'Eisā said: The *Hadīth* of Ṭalq bin 'Alī is a *Hasan Gharīb Hadīth* from this route. This is acted upon according to the people of knowledge, it is not unlawful for the person who wants to fast, to eat and drink until the redness of *Al-Fajr* is on the horizon, and this is the view of the people of knowledge in general.

(المعجم ١٥) - بَابُ مَا جَاءَ فِي بَيَانِ الْفَجْرِ (التحفة ١٥)

٧٠٥ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا مُلَازِمُ بْنُ عَمْرٍو: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ النُّعْمَانِ عَنْ قَيْسِ ابْنِ طَلْقِ بْنِ عَلِيٍّ: حَدَّثَنِي أَبِي طَلْقُ بْنُ عَلِيٍّ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «كُلُوا وَاشْرَبُوا وَلَا يَهْدِئْكُمْ السَّاطِعُ الْمُضَعَّدُ وَكُلُوا وَاشْرَبُوا حَتَّى يَغْتَرِضَ لَكُمْ الْأَحْمَرُ».

[قَالَ:] وَفِي الْبَابِ عَنْ عَدِيِّ بْنِ حَاتِمٍ وَأَبِي ذَرٍّ وَسَمُرَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ طَلْقِ بْنِ عَلِيٍّ حَدِيثٌ حَسَنٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ أَنَّهُ لَا يَحْرُمُ عَلَى الصَّائِمِ الْأَكْلَ وَالشُّرْبَ حَتَّى يَكُونَ الْفَجْرُ الْأَحْمَرُ الْمُغْتَرِضُ. وَبِهِ يَقُولُ عَامَّةُ أَهْلِ الْعِلْمِ.

تخريج: [إسناده حسن] وأخرجه أبو داود، الصيام، باب وقت السحور، ح: ٢٣٤٨ من

حديث ملازم به وصحه ابن خزيمة: ١٩٣٠ * وفي الباب عن عدي بن حاتم [يأتي: ٢٩٧١] وأبي ذر [الطحاوي في معاني الآثار: ١/١٤٠] وسمرة [يأتي: ٧٠٦].

Comments:

It should not worry you; 'As-Sāṭi' literal meaning of The Prophet's words are "lā Yahīdannakum" glitter, rising or the spread of light; 'Al-Muṣ'ad' Rising above or going to the height.

706. Samurah bin Jundab narrated that the Messenger of Allāh ﷺ said: "Do not let the *Adhān* of Bilāl prevent you from your *Sahūr*, nor the drawn out *Fajr*, but the *Fajr* that spreads on the horizon." (*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Hadīth* is *Hasan*.

٧٠٦ - حَدَّثَنَا هَنَادٌ وَيُوسُفُ بْنُ عِيسَى قَالَا: حَدَّثَنَا وَكِيعٌ عَنْ أَبِي هِلَالٍ، عَنْ سَوَادَةَ ابْنِ حَنْظَلَةَ [هُوَ الْقُسَيْرِيُّ]، عَنْ سَمُرَةَ بْنِ جُنْدَبٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَمْنَعُكُمْ مِنْ سَحُورِكُمْ أَذَانُ بِلَالٍ وَلَا الْفَجْرُ الْمُسْتَطِيلُ وَلَكِنَّ الْفَجْرَ الْمُسْتَطِيرَ فِي الْأُفُقِ». قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ.

تخريج: [صحيح] وأخرجه مسلم، الصيام، باب بيان أن الدخول في الصوم يحصل بطلوع الفجر ... إلخ، ح: ١٠٩٤ من حديث سوادة به ورواه أحمد: ١٣/٥ عن وكيع به.

Comments:

Al-Fajr (dawn) is of two types:

1. False Dawn: Its light rise upwards vertically, it is given resemblance of the tail of a wolf.
2. True Dawn: It spreads horizontally to the right and left, eating and drinking is allowed until its spread and appearance.

Chapter 16. What Has Been Related About The Severity Of Back Biting For The Fasting Person

707. Abū Hurairah narrated that the Prophet ﷺ said: "Whoever does not leave false speech, and acting according to it, then Allāh is not in any need of him leaving his food and his drink." (*Ṣaḥīḥ*)

(He said:) There is something on this topic from Anas.

Abū 'Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

(المعجم ١٦) - بَابُ مَا جَاءَ فِي التَّشْدِيدِ فِي الْغِيْبَةِ لِلصَّائِمِ (التحفة ١٦)

٧٠٧ - حَدَّثَنَا أَبُو مُوسَى مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا عُثْمَانُ بْنُ عُمرَ قَالَ: وَحَدَّثَنَا ابْنُ أَبِي ذُنْبٍ عَنْ سَعِيدِ الْمَقْبُرِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ لَمْ يَدَعْ قَوْلَ الزُّورِ وَالْعَمَلَ بِهِ فَلَيْسَ لِلَّهِ حَاجَةٌ بَأَنْ يَدَعَ طَعَامَهُ وَشَرَابَهُ».

[قَالَ:] وفي الباب عن أنس.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: وأخرجه البخاري، الصوم، باب من لم يدع قول الزور والعمل به في الصوم، ح: ١٩٠٣ من حديث محمد بن عبدالرحمن بن أبي ذئب به * وفي الباب عن أنس [الطبراني في الصغير: ١/ ١٧٠].

Comments:

‘Qawl Az-Zūr’ is a talk away from truth and reality, according to Mulla Ali Qārī, it is false and vain talk, At-Tibī said: It is a talk of disbelief, false witness, false accusation, backbiting, telling lies, slandering, swearing, cursing and false criticism, nevertheless it includes all types of disobedience and sins. (Tuhfat Al-Aḥwadhī: 2/39)

Chapter 17. What Has Been Related About The Virtue Of Saḥūr

708. Anas bin Mālik narrated that the Messenger of Allāh ﷺ said: “Partake of *Saḥūr*, for indeed there is a blessing in the *Saḥūr*.” (*Ṣaḥīḥ*)

He said: There are narrations on this topic from Abū Hurairah, ‘Abdullāh bin Mas‘ūd, Jābir bin ‘Abdullāh, Ibn ‘Abbās, ‘Amr bin Al-‘Ās, Al-‘Irbād bin Sāriyah, ‘Utbah bin ‘Abdullāh, and Abū Ad-Dardā’.

Abū ‘Eīsā said: The *Ḥadīth* of Anas is a *Ḥasan Ṣaḥīḥ Ḥadīth*. It has been reported that the Prophet ﷺ said: “The distinction between our fasting and the fasting of the People of the Book is eating for *Saḥūr*.”

(المعجم ١٧) - بَابُ مَا جَاءَ فِي فَضْلِ

السَّحُورِ (التحفة ١٧)

٧٠٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ قَتَادَةَ وَعَبْدِ الْعَزِيزِ بْنِ صُهَيْبٍ، عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «تَسَحَّرُوا فَإِنَّ فِي السَّحُورِ بَرَكَهً».

قَالَ: وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ وَعَبْدِ اللَّهِ ابْنِ مَسْعُودٍ وَجَابِرِ بْنِ عَبْدِ اللَّهِ وَابْنِ عَبَّاسٍ وَعُمَرُو بْنُ الْعَاصِ وَالْعِرْبَاضُ بْنُ سَارِيَةَ وَعُتْبَةُ بْنُ عَبْدِ اللَّهِ وَأَبِي الدَّرْدَاءِ. قَالَ أَبُو عِيْسَى: حَدِيثُ أَنَسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَرَوَى عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «فَضْلُ مَا بَيْنَ صِيَامِنَا وَصِيَامِ أَهْلِ الْكِتَابِ أَكْلَةُ السَّحْرِ».

تخریج: متفق عليه، مسلم، الصيام، باب فضل السحور وتأکید استحبابه ... إلخ، ح: ١٠٩٥ عن قتيبة والبخاري، الصوم، باب بركة السحور من غير إيجاب، ح: ١٩٢٣ من حديث عبدالعزيز به * وفي الباب عن أبي هريرة [أبو داود، ح: ٢٣٤٥] وعبدالله بن مسعود [النسائي، ح: ٢١٤٦] وجابر بن عبدالله [الطبراني في الأوسط: ٤/ ٤٥٤، ح: ٣٧٦٩] وابن عباس [الطبراني في الكبير: ١١/ ٣٦٠، ح: ١٢٠١٢] وعمر بن العاص [يأتي: ٧٠٩] واليرباض بن سارية [أبو داود، ح: ٢٣٤٤] وابن حبان، ح: ٨٨٢ وعتبة بن عبدالله [الطبراني في الكبير: ١٧/ ١٣١، ح: ٣٢٢] وأبي الدرداء [ابن حبان، ح: ٨٨١].

709. ‘Amr bin Al-‘Āṣ narrated (similar to no. 708) from the Prophet ﷺ. (*Ṣaḥīḥ*)

He said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. The people of Egypt say (one of the narrators is) Mūsā bin ‘Ulayy, and the people of Al-‘Irāq say “Mūsā bin ‘Alī bin Rabāḥ Al-Lakhmī.”

٧٠٩ - حَدَّثَنَا بِذَلِكَ قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ

عَنْ مُوسَى بْنِ عَلِيٍّ، عَنْ أَبِيهِ، عَنْ أَبِي قَيْسٍ
مَوْلَى عَمْرِو بْنِ العَاصِ، عَنْ عَمْرِو بْنِ
العَاصِ عَنِ النَّبِيِّ ﷺ بِذَلِكَ.

قَالَ: وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَأَهْلُ مِصْرَ يَقُولُونَ: مُوسَى بْنُ عَلِيٍّ،
وَأَهْلُ الْعِرَاقِ يَقُولُونَ: مُوسَى بْنُ عَلِيٍّ بْنِ
رَبَاحٍ اللَّخْمِيُّ.

تخريج: وأخرجه مسلم، الصيام، باب فضل السحور وتأکید استحبابه ... إلخ، ح: ١٠٩٦.
عن قتيبة به.

Comments:

‘*As-Sahūr*’ if it is pronounced with *Fathah* on letter ‘*Seen*’ it means ‘eating and drinking’ food stuff in the predawn meal; and if it is pronounced with *Dhammah* on letter ‘*Seen*’ it is an infinitive verb, then it means the act of taking predawn meal.

Islam is a natural religion based on moderation, middle course, and away from excessiveness. Therefore it urges to eat and drink as a predawn meal and also that the predawn meal is to be taken a little before the dawn appears; and the breaking of the fast should be soon after the sun has set, so that the time for remaining hungry and thirsty does not get prolonged needlessly, and the Prophet ﷺ stated it is a source of blessing.

Chapter 18. What Has Been Related About It Being Disliked To Fast While Traveling

710. Jābir bin ‘Abdullāh narrated: “The Messenger of Allāh ﷺ went to Makkah in the Year of the Conquest, so he fasted until he reached Kurā‘ Al-Ghamīm^[1] and the people were fasting with him. Then it was said to him: ‘The fast has become difficult for the people, and they are watching you to see what you will do.’ So after

(المعجم ١٨) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ

الصَّوْمِ فِي السَّفَرِ (التحفة ١٨)

٧١٠ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ

مُحَمَّدٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ
جَابِرِ بْنِ عَبْدِ اللَّهِ أَنَّ رَسُولَ اللَّهِ ﷺ خَرَجَ إِلَى
مَكَّةَ عَامَ الْفَتْحِ فَصَامَ حَتَّى بَلَغَ كُرَاعَ الْعَمِيمِ
وَصَامَ النَّاسُ مَعَهُ، فَقِيلَ لَهُ: إِنَّ النَّاسَ قَدْ
شَقَّ عَلَيْهِمُ الصِّيَامُ وَإِنَّ النَّاسَ يَنْظُرُونَ فِيمَا

[1] “The name of a valley before ‘Uṣfān. Al-Ḥāfiẓ (Ibn Ḥajar) said that.” *Tuḥfat Al-Aḥwadhī*.

‘Asr, he called for a cup of water and drank it while the people were looking at him. Some of them broke the fast while some of them continued their fasting. It was conveyed to him that people were still fasting, so he said: ‘Those are the disobedient.’” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ka‘b bin ‘Āsim, Ibn ‘Abbās, and Abū Hurairah. Abū ‘Eīsā said: The *Hadīth* of Jābir is a *Ḥasan Ṣaḥīḥ Hadīth*. It has been reported that the Prophet ﷺ said: “It is not from righteousness to fast while traveling.”

The people of knowledge disagree over fasting while traveling. Some of the people of knowledge, among the Companions of the Prophet ﷺ and others, held the view that breaking the fast is more virtuous. Some of them even thought that one has to repeat it if he fasted while traveling. Aḥmad and Ishāq preferred breaking the fast when traveling. Some of the people of knowledge, among the Companions of the Prophet ﷺ and others, said that if one has the strength and he fasts then that is good, and this is more virtuous, and if he breaks the fast then that is good. And this is the view of Sufyān Ath-Thawrī, Mālik bin Anas, and ‘Abdullāh bin Al-Mubārak. Ash-Shāfi‘ī said: “The meaning of the saying of the Prophet ﷺ: ‘It is not from righteousness to fast while traveling’ and his saying – when it was conveyed to him that people were fasting: ‘Those are the

فَعَلْتُ، فَدَعَا بِقَدَحٍ مِنْ مَاءٍ بَعَدَ الْعَصْرِ فَشَرِبَ وَالنَّاسُ يَنْظُرُونَ إِلَيْهِ فَأَفْطَرَ بَعْضُهُمْ وَصَامَ بَعْضُهُمْ، فَبَلَّغَهُ أَنَّ نَاسًا صَامُوا، فَقَالَ: «أُولَئِكَ الْعَصَاةُ».

[قَالَ:] [وَفِي الْبَابِ عَنْ كَعْبِ بْنِ عَاصِمٍ وَابْنِ عَبَّاسٍ وَأَبِي هُرَيْرَةَ].

قَالَ أَبُو عِيسَى: حَدِيثُ جَابِرٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَقَدْ رَوَى عَنْ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «لَيْسَ مِنَ الْبِرِّ الصِّيَامُ فِي السَّفَرِ».

وَاخْتَلَفَ أَهْلُ الْعِلْمِ فِي الصَّوْمِ فِي السَّفَرِ، فَرَأَى بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ أَنَّ الْفِطْرَ فِي السَّفَرِ أَفْضَلُ، حَتَّى رَأَى بَعْضُهُمْ عَلَيْهِ الْإِعَادَةَ إِذَا صَامَ فِي السَّفَرِ، وَاخْتَارَ أَحْمَدُ وَإِسْحَاقُ الْفِطْرَ فِي السَّفَرِ.

وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: إِنْ وَجَدَ قُوَّةَ فَصَامَ فَحَسَنٌ وَهُوَ أَفْضَلُ، وَإِنْ أَفْطَرَ فَحَسَنٌ وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَمَالِكِ بْنِ أَنَسٍ وَعَبْدِ اللَّهِ ابْنِ الْمُبَارَكِ.

وَقَالَ الشَّافِعِيُّ: وَإِنَّمَا مَعْنَى قَوْلِ النَّبِيِّ ﷺ: «لَيْسَ مِنَ الْبِرِّ الصِّيَامُ فِي السَّفَرِ» وَقَوْلُهُ حِينَ بَلَّغَهُ أَنَّ نَاسًا صَامُوا فَقَالَ: «أُولَئِكَ الْعَصَاةُ» فَوَجْهُ هَذَا إِذَا لَمْ يَحْتَمِلْ قَلْبُهُ قَبُولَ رُخْصَةِ اللَّهِ تَعَالَى، فَأَمَّا مَنْ رَأَى الْفِطْرَ مُبَاحًا وَصَامَ وَقَوِيَ عَلَى ذَلِكَ فَهُوَ أَعْجَبُ إِلَيَّ.

disobedient.' This refers to the case when the person's heart does not accept the permission that Allāh the Most High granted, as for the one who thought that breaking the fast is allowed, and he fasted while he had the strength for that, then this is more preferable to me."

تخريج: وأخرجه مسلم، الصيام، باب جواز الصوم والفطر في شهر رمضان للمسافر في غير معصية... إلخ، ح: ١١١٤ عن قتيبة به * وفي الباب عن كعب بن عاصم [ابن ماجه، ح: ١٦٦٤] وابن عباس [لعله يشير إلى حديث مسلم: ١١١٣] وإلا فانظر الضعفاء للعقيلي: ٣١٨/٣ فحديثه موافق للباب] وأبي هريرة [العقيلي في الضعفاء: ٣٨٨/٤].

Chapter 19. What Has Been Related About The Permission To Fast While Traveling

(المعجم ١٩) - بَابُ مَا جَاءَ فِي الرُّخْصَةِ فِي الصَّوْمِ فِي السَّفَرِ (التحفة ١٩)

711. 'Āishah narrated that Ḥamzah bin 'Amr Al-Aslamī asked the Messenger of Allāh ﷺ about fasting while traveling, and he fasted regularly. So the Messenger of Allāh ﷺ said: 'If you wish then fast, and if you wish then break (the fast).'" (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Anas bin Mālik, Abū Sa'eed, 'Abdullāh bin Mas'ūd, 'Abdullāh bin 'Amr, Abū Ad-Dardā', and Ḥamzah bin 'Amr Al-Aslamī.

Abū 'Eisā said: The *Hadīth* of 'Āishah – stating that Ḥamzah bin 'Amr Al-Aslamī asked the Messenger of Allāh ﷺ – is a *Hasan Ṣaḥīḥ Hadīth*.

٧١١ - حَدَّثَنَا هَارُونُ بْنُ إِسْحَاقَ الْهَمْدَانِيُّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سُلَيْمَانَ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أَنَّ حَمْزَةَ بْنَ عَمْرِو بْنِ الْأَسْلَمِيِّ سَأَلَ رَسُولَ اللَّهِ ﷺ، عَنِ الصَّوْمِ فِي السَّفَرِ وَكَانَ يَسْرُدُ الصَّوْمَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنْ شِئْتَ فَصُمْ وَإِنْ شِئْتَ فَأَفْطِرْ».

[قَالَ:] وفي الباب عن أنس بن مالك وأبي سعيد وعبد الله بن مسعود وعبد الله بن عمرو وأبي الدرداء وحمزة بن عمرو الأسلمي. قَالَ أَبُو عِيسَى: حَدِيثُ عَائِشَةَ أَنَّ حَمْزَةَ بْنَ عَمْرِو بْنِ الْأَسْلَمِيِّ سَأَلَ رَسُولَ اللَّهِ ﷺ. هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: [إسناده صحيح] وأخرجه النسائي: ١٨٨/٤، ح: ٢٣١٠ من حديث عبدة به ورواه البخاري، ح: ١٩٤٣ ومسلم، ح: ١١٢١ من حديث هشام به * وفي الباب عن أنس بن مالك [البخاري، ح: ١٩٤٧ ومسلم: ١١١٨] وأبي سعيد [يأتي: ٧١٢، ٧١٣] وعبد الله بن مسعود

[أحمد: ٤٠٢/١، ٤٠٧] وعبدالله بن عمرو [أحمد: ١٧٤/٢، ويأتي مختصراً: ١٨٨٣] وأبي الدرداء [البخاري، ح: ١٩٤٥، ومسلم، ح: ١١٢٢] وحمزة بن عمرو الأسلمي [البخاري، ح: ١٩٤٢، ومسلم: ١١٢١].

712. Abū Sa‘eed (Al-Khudrī) narrated: “We were on a journey with the Messenger of Allāh ﷺ during the month of Ramaḍān. No one objected to the fast of the one fasting nor the fast breaking of the one who broke his fast.” (*Ṣaḥīḥ*)
(Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.)

٧١٢ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ الْجَهْضِيُّ: حَدَّثَنَا بِشْرُ بْنُ الْمُفَضَّلِ عَنْ سَعِيدِ بْنِ يَزِيدَ أَبِي مَسْلَمَةَ، عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ [الْخُدْرِيِّ] قَالَ: كُنَّا نُسَافِرُ مَعَ رَسُولِ اللَّهِ ﷺ فِي شَهْرِ رَمَضَانَ فَمَا يَعْيبُ عَلَى الصَّائِمِ صَوْمُهُ وَلَا عَلَى الْمُفْطِرِ فِطْرُهُ.
[قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ].

تخريج: وأخرجه مسلم، الصيام، باب جواز الصوم والفطر في شهر رمضان للمسافر في غير معصية... إلخ، ح: ١١١٦ عن نصر بن علي به.

713. Abū Sa‘eed Al-Khudrī narrated: “We were on a journey with the Messenger of Allāh ﷺ. Some of us were fasting and some of us broke their fast. The one who broke the fast had no objection to the one who fasted, and the one who fasted had no objection to the one who broke his fast. They saw that whoever had the strength to fast then that was good, and whoever was weak, then breaking it was better.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

٧١٣ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ: حَدَّثَنَا يَزِيدُ ابْنُ زُرَيْعٍ: حَدَّثَنَا الْجُرَيْرِيُّ؛ ح: [قَالَ:] وَحَدَّثَنَا سُفْيَانُ بْنُ وَكِيعٍ: حَدَّثَنَا عَبْدُ الْأَعْلَى عَنِ الْجُرَيْرِيِّ، عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: كُنَّا نُسَافِرُ مَعَ رَسُولِ اللَّهِ ﷺ فَمِنَّا الصَّائِمُ وَمِنَّا الْمُفْطِرُ فَلَا يَجِدُ الْمُفْطِرُ عَلَى الصَّائِمِ وَلَا الصَّائِمُ عَلَى الْمُفْطِرِ، وَكَانُوا يَرَوْنَ أَنَّهُ مَنْ وَجَدَ قُوَّةَ فَصَامَ فَحَسَنٌ، وَمَنْ وَجَدَ ضَعْفًا فَأَفْطَرَ فَحَسَنٌ.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.
تخريج: [صحيح] انظر الحديث السابق.

Comments:

The truth is that the current position and circumstance will be taken into consideration, if there is a chance of combating and fighting the enemies and power is demanded, or the fasting will cause much difficulty and hardship, or there is a fear of showing off, or one in state of fasting will be a burden on

others, or there is a possibility of turning away from the permission given by the *Shari'ah*, or other people will take his example to follow, it is then better not to fast. If observing fast does not involve difficulty and hardship, neither is there a risk of harm, or there is a fear of not making it up later, or he has the facility and provision of fasting along with his colleagues, in this case fasting is better. (see for more details: *Al-Mughni*: 4/406 to 408)

Chapter 20. What Has Been Related About The Permission For The One At War To Break The Fast

714. Ma'mar bin Abi Huyaiyah narrated that he asked Ibn Al-Musaiyab about fasting on a journey, so he narrated to him that 'Umar bin Al-Khattāb said: "We fought in two battles along with the Messenger of Allāh ﷺ during Ramadān; the Day of Badr, and the Conquest (of Makkah), so we broke our fast during them." (*Da'if*)

(He said:) There is something on this topic from Abū Sa'eed.

Abū 'Eisā said: We do not know of the *Hadith* of 'Umar except from this route. It has been reported from Abū Sa'eed that the Prophet ﷺ ordered the fast to be broken in a battle that he participated in, and similar to this has been reported from 'Umar bin Al-Khattāb, saying that he permitted breaking the fast when meeting the enemy. And this is the view of some of the people of knowledge.

(المعجم ٢٠) - بَابُ مَا جَاءَ فِي الرُّخْصَةِ
لِلْمُحَارِبِ فِي الْإِفْطَارِ (التحفة ٢٠)

٧١٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا ابْنُ لَهِيْعَةَ عَنْ
يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ مَعْمَرِ بْنِ أَبِي حَبِيَّةٍ،
عَنِ ابْنِ الْمُسَيَّبِ أَنَّهُ سَأَلَهُ، عَنِ الصَّوْمِ فِي
السَّفَرِ فَحَدَّثَ أَنَّ عُمَرَ بْنَ الْخَطَّابِ قَالَ:
غَزَوْنَا مَعَ رَسُولِ اللَّهِ ﷺ فِي رَمَضَانَ غَزَوَتَيْنِ
يَوْمَ بَدْرٍ وَالْفَتْحِ فَأَفْطَرْنَا فِيهِمَا.

[قَالَ:] وَفِي الْبَابِ عَنْ أَبِي سَعِيدٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ عُمَرَ لَا نَعْرِفُهُ إِلَّا
مِنْ هَذَا الْوَجْهِ.

وَقَدْ رَوَى عَنْ أَبِي سَعِيدٍ عَنِ النَّبِيِّ ﷺ أَنَّهُ
أَمَرَ بِالْفِطْرِ فِي غَزْوَةِ غَزَاهَا وَقَدْ رَوَى عَنْ
عُمَرَ بْنِ الْخَطَّابِ نَحْوَ هَذَا، أَنَّهُ رَخَّصَ فِي
الْإِفْطَارِ عِنْدَ لِقَاءِ الْعَدُوِّ. وَبِهِ يَقُولُ بَعْضُ
أَهْلِ الْعِلْمِ.

تخريج: [إسناده ضعيف] وأخرجه أحمد: ٢٢/١ من حديث ابن لهيعة ولم يحدث به قبل اختلاطه، فيما أعلم * وفي الباب عن أبي سعيد [مسلم، ح: ١١١٦ وانظر الحديثين السابقين].

Comments:

At the occasion of the conquest of Makkah, as the Prophet ﷺ was yet at a little distance away from Makkah, he ﷺ broke the fast showing all the people; and he commanded everybody to break the fast due to the fear of combating the enemy, as it is mentioned manifestly in the upcoming chapters on *Jihād*.

Chapter 21. What Has Been Related About The Permission For The Pregnant And Breast-Feeding Women To Break The Fast

715. Anas bin Mālik, a man from Banū ‘Abdullāh bin Ka’b said: “Some calvary men of the Messenger of Allāh ﷺ came galloping upon us, so I came to the Messenger of Allāh ﷺ and found him having a lunch. He said: ‘Come and eat.’ I said: ‘I am fasting.’ So he said: ‘Come and I will narrate to you about the fast – or fasting. Indeed Allāh Most High lifted (the fast and) half of the *Ṣalāt* from the traveler, and (He lifted) the fast – or fasting – from the pregnant person, or the sick person.’ And by Allāh! The Prophet ﷺ said both of them or one of them. So woe to me! For I did not eat from the meal of the Prophet ﷺ.” (*Hasan*)

(He said:) There is something on this topic from Abū Umāmah.

Abū ‘Eisā said: The *Ḥadīth* of Anas bin Mālik Al-Ka’bī is a *Ḥasan* *Ḥadīth*. We do not know of anything this Anas bin Mālik narrated from the Prophet ﷺ other than this one *Ḥadīth*. This is acted upon according to some of the people of knowledge. Some of the people of knowledge say that the pregnant and breast-feeding persons break the fast, make up for it, and feed.^[1] This is the view of Sufyān, Mālik, Ash-Shāfi‘ī, and Aḥmad. Some of them said: They

(المعجم ٢١) - بَابُ مَا جَاءَ فِي الرُّخْصَةِ فِي الْإِفْطَارِ لِلْحَبْلَى وَالْمُرْضِعِ (الصفحة ٢١)

٧١٥ - حَدَّثَنَا أَبُو كُرَيْبٍ وَيُوسُفُ بْنُ عِيسَى قَالَا: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا أَبُو هَلَالٍ عَنْ عَبْدِ اللَّهِ بْنِ سَوَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ رَجُلٍ مِنْ بَنِي عَبْدِ اللَّهِ بْنِ كَعْبٍ قَالَ: أَغَارَتْ عَلَيْنَا خَيْلُ رَسُولِ اللَّهِ ﷺ فَأَتَيْتُ رَسُولَ اللَّهِ ﷺ فَوَجَدْتُهُ يَتَغَدَّى، فَقَالَ: «إِذْنُ فَكُلْ» فَقُلْتُ: إِنِّي صَائِمٌ، فَقَالَ: «إِذْنُ أَحَدُكَ، عَنْ الصَّوْمِ أَوْ الصَّيَامِ: إِنَّ اللَّهَ تَعَالَى وَضَعَ عَنِ الْمُسَافِرِ [الصَّوْمَ] وَشَطَرَ الصَّلَاةِ، وَعَنِ الْحَامِلِ أَوْ الْمُرْضِعِ الصَّوْمَ أَوْ الصَّيَامَ» وَاللَّهُ لَقَدْ فَالَهُمَا النَّبِيُّ ﷺ كِلَيْهِمَا أَوْ إِحْدَاهُمَا، فَبَا لَهْفَ نَفْسِي أَنْ لَا أَكُونَ طَعِمْتُ مِنْ طَعَامِ النَّبِيِّ ﷺ.

[قَالَ:] وَفِي الْبَابِ عَنْ أَبِي أُمَيَّةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ أَنَسِ بْنِ مَالِكٍ الْكَعْبِيِّ حَدِيثٌ حَسَنٌ وَلَا نَعْرِفُ لِأَنَسِ بْنِ مَالِكٍ هَذَا عَنِ النَّبِيِّ ﷺ غَيْرَ هَذَا الْحَدِيثِ الْوَاحِدِ.

وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: الْحَامِلُ وَالْمُرْضِعُ يُفْطِرَانِ وَيَقْضِيَانِ وَيُطْعِمَانِ. وَبِهِ يَقُولُ سُفْيَانٌ وَمَالِكٌ وَالشَّافِعِيُّ وَأَحْمَدُ. وَقَالَ

^[1] That is, they do not have to fast, but they have to make up that day at a time when the condition is not present, and they also have to feed a needy person for each day they missed.

break the fast and feed, but they are not required to make it up, and if they wish they can make it up and not feed (others). This is the saying of Ishāq.

بَعْضُهُمْ: يُفْطِرَانِ وَيُطْعِمَانِ وَلَا قَضَاءَ عَلَيْهِمَا، وَإِنْ شَاءَتَا قَضَتَا وَلَا إِطْعَامَ عَلَيْهِمَا. وَبِهِ يَقُولُ إِسْحَاقُ.

تخريج: [حسن] وأخرجه أبو داود، الصيام، باب اختيار الفطر، ح: ٢٤٠٨ من حديث أبي هلال به وله شاهد حسن عند البيهقي (٢٣١/٤) والحديث صححه ابن خزيمة، ح: ٢٠٤٤ * وفي الباب عن أبي أمية القشيري الضمري [النسائي، ح: ٢٢٧١ مختصراً وليس فيه ذكر المرضع والحامل].

Comments:

Imām Ibn Qudāmah writes: If a pregnant or a suckling mother misses the fasts due to the fear of harming themselves, they will later make up the missed days of fasting.

Chapter 22. What Has Been Related About Fasting On Behalf Of The Dead

716. Ibn ‘Abbās narrated: “A woman came to the Prophet ﷺ and said: ‘My sister died while she had two consecutive months of fasting due.’ So he said: ‘Do you not see that if there was a debt due from your sister then you would have to pay it?’ She said: ‘Yes.’ He said: ‘Then the right of Allāh is more appropriate.’” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Buraidah, Ibn ‘Umar, and ‘Āishah.

Abū ‘Eisā said: The *Ḥadīth* of Ibn ‘Abbās is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

(المعجم ٢٢) - بَابُ مَا جَاءَ فِي الصَّوْمِ عَنِ الْمَيِّتِ (التحفة ٢٢)

٧١٦ - حَدَّثَنَا أَبُو سَعِيدٍ الْأَشْجُ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ عَنِ الْأَعْمَشِ، عَنْ سَلَمَةَ بْنِ كُهَيْلٍ وَمُسْلِمِ الْبَطِينِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ وَعَطَاءٍ وَمُجَاهِدٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: جَاءَتْ امْرَأَةٌ إِلَى النَّبِيِّ ﷺ فَقَالَتْ: إِنَّ أُخْتِي مَاتَتْ وَعَلَيْهَا صَوْمُ شَهْرَيْنِ مُتَابِعَيْنِ؟ قَالَ: «أَرَأَيْتَ لَوْ كَانَ عَلَى أَخِيكَ دَيْنٌ أَكُنْتَ تَقْضِيهِ؟» قَالَتْ: نَعَمْ، قَالَ: «فَحَقُّ اللَّهِ أَحَقُّ».

[قَالَ:] «وَفِي الْبَابِ عَنْ بُرَيْدَةَ وَابْنِ عُمَرَ وَعَائِشَةَ».

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه مسلم، الصيام، باب قضاء الصوم عن الميت، ح: ١١٤٨ عن الأشج مختصراً والبخاري، الصوم، باب من مات وعليه صوم، ح: ١٩٥٣ من حديث الأعمش به * وفي الباب عن بريدة [مسلم، ح: ١١٤٩] وابن عمر [لعله يشير إلى الحديث الآتي: ٧١٨] وعائشة [البخاري، ح: ١٩٥٢ ومسلم، ح: ١١٤٧].

717. (A *Hadīth* similar to no. 716 with a different chain.) (*Ṣaḥīḥ*)

(He said: I heard Muḥammad saying: “Abū Khālid Al-Aḥmar has done very well with this *Hadīth* from Al-A‘maṣh”). Muḥammad said: “Others besides Abū Khālid reported it from Al-A‘maṣh.”

Abū ‘Eīsā said: Abū Mu‘āwiyah and others reported this *Hadīth* from Al-A‘maṣh, from Muslim Al-Baṭīn, from Sa‘eed bin Jubair, from Ibn ‘Abbās, from the Prophet ﷺ, and they did not mention Salamah bin Kuhail in it, nor ‘Aṭā’, nor Mujāhid. (Abū Khālid’s name is Sulaimān bin Ḥayyān).

٧١٧ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ عَنِ الْأَعْمَشِ بِهَذَا الْإِسْنَادِ نَحْوَهُ [قَالَ: وَسَمِعْتُ مُحَمَّدًا يَقُولُ: جَوَّدَ أَبُو خَالِدٍ الْأَحْمَرُ هَذَا الْحَدِيثَ عَنِ الْأَعْمَشِ]. قَالَ مُحَمَّدٌ: وَقَدْ رَوَى غَيْرُ أَبِي خَالِدٍ عَنِ الْأَعْمَشِ مِثْلَ رِوَايَةِ أَبِي خَالِدٍ. قَالَ أَبُو عِيسَى: وَرَوَى أَبُو مُعَاوِيَةَ وَغَيْرُ وَاحِدٍ هَذَا الْحَدِيثَ عَنِ الْأَعْمَشِ، عَنْ مُسْلِمِ الْبَطِينِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ وَلَمْ يَذْكُرُوا فِيهِ سَلَمَةَ بْنَ كُهَيْلٍ وَلَا عَنْ عَطَاءٍ وَلَا عَنْ مُجَاهِدٍ. [وَأَسْمُ أَبِي خَالِدٍ سُلَيْمَانُ بْنُ حَيَّانَ].

تخريج: [صحيح] انظر الحديث السابق.

Comments:

The case of fasting on behalf of a deceased is coming under the following chapter.

Chapter 23. (What Has Been Related About The Attonement)

718. Ibn ‘Umar narrated that the Prophet ﷺ said: “Whoever died while he had a month to fast, then a needy person should be fed on his behalf in place of every day.” (*Da‘īf*)

Abū ‘Eīsā said: We do not know of the *Hadīth* of Ibn ‘Umar except from this route. What is *Ṣaḥīḥ* is that it is *Mawqūf* from Ibn ‘Umar as his saying. The people of knowledge differ on this (topic). Some of them say that one is to fast on behalf of the deceased, and it is the view of Aḥmad and Ishāq. They said when the deceased person has a fast required from a vow then one is to

(المعجم ٢٣) - بَابُ [مَا جَاءَ فِي]

الْكَفَّارَةِ] (التحفة ٢٣)

٧١٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْنُرُ [ابْنُ الْقَاسِمِ] عَنْ أَشْعَثَ، عَنْ مُحَمَّدٍ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ مَاتَ وَعَلَيْهِ صِيَامُ شَهْرٍ فَلْيُطْعَمْ عَنْهُ مَكَانَ كُلِّ يَوْمٍ مِسْكِينًا».

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عُمَرَ لَا نَعْرِفُهُ مَرْفُوعًا إِلَّا مِنْ هَذَا الْوَجْهِ. وَالصَّحِيحُ، عَنْ ابْنِ عُمَرَ مَوْقُوفٌ. قَوْلُهُ وَاخْتَلَفَ أَهْلُ الْعِلْمِ فِي هَذَا [الْبَاب]. فَقَالَ بَعْضُهُمْ: يُصَامُ عَنِ الْمَيِّتِ، وَبِهِ يَقُولُ

fast on his behalf, and when he has to make up something from Ramaḍān, then one is to feed (a needy person) on his behalf. Mālik, Sufyān, and Ash-Shāfi‘ī said: “No one fasts for anyone.” (He said:) Ash‘ath is Ibn Sawwār. Muḥammad is Muḥammad bin ‘Abdur-Raḥmān bin Abi Laila. (narrators in the chain of this *Hadīth*)

أَحْمَدُ وَإِسْحَاقُ قَالَا: إِذَا كَانَ عَلَى الْمَيِّتِ نَذْرٌ صِيَامٍ يَصُومُ عَنْهُ، وَإِذَا كَانَ عَلَيْهِ قَضَاءٌ رَمَضَانَ أَطْعَمَ عَنْهُ.
وَقَالَ مَالِكٌ وَسُفْيَانُ وَالشَّافِعِيُّ: لَا يَصُومُ أَحَدٌ عَنْ أَحَدٍ. [قَالَ:] وَأَشْعَثُ هُوَ ابْنُ سَوَّارٍ. وَمُحَمَّدٌ هُوَ مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ ابْنِ أَبِي لَيْلَى.

تخریج: [إسناده ضعيف] وأخرجه ابن ماجه، الصيام، باب من مات وعليه صيام ... إلخ، ح: ١٧٥٧ وابن خزيمة، ح: ٢٠٥٦ عن حديث قتيبة به * جاء في رواية ابن ماجه: محمد بن سيرين وهو وهم والصواب، "محمد بن أبي ليلى" وهو ضعيف مشهور، ورواه شريك بن عبدالله القاضي عنه به، ابن خزيمة، ح: ٢٠٥٧.

Comments:

It is proven very clearly from the *Hadīth* of Ibn ‘Abbās and ‘Āishah رضي الله عنهما, mentioned in *Ṣaḥīḥ Muslim* (*Hadīth*: 1147-1148) that an heir of a deceased person is allowed to fast on his behalf, and the heir actually should do so.

Chapter 24. What Has Been Related About The Fasting Person Who Is Overcome By Vomiting

719. Abū Sa‘eed Al-Khudrī narrated that the Messenger of Allāh ﷺ said: “Three things do not break the fast of the fasting person: Cupping, vomiting, and the wet dream.” (*Da‘īf*)

Abū ‘Eisā said: The *Hadīth* of Abū Sa‘eed is not preserved. ‘Abdullāh bin Zaid bin Aslam, ‘Abdul-‘Azīz bin Muḥammad and others reported this *Hadīth* from Zaid bin Aslam in *Mursal* form, they did not mention “from Abū Sa‘eed” in it. ‘Abdur-Raḥmān bin Zaid bin Aslam was graded weak in *Hadīth*.

(He said:) I heard Abū Dāwūd As-Sijzī saying: “I asked Aḥmad

(المعجم ٢٤) - بَابُ مَا جَاءَ فِي الصَّائِمِ يَذْرَعُهُ الْقَيْءُ (التحفة ٢٤)

٧١٩ - حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ الْمُحَارِبِيُّ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ زَيْدِ بْنِ أَسْلَمَ عَنْ أَبِيهِ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «ثَلَاثٌ لَا يُفْطِرُنَ الصَّائِمَ: الْحِجَامَةُ وَالْقَيْءُ وَالْإِحْتِلَامُ».

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي سَعِيدٍ الْخُدْرِيِّ [حَدِيثٌ] غَيْرٌ مَحْفُوظٌ.

وَقَدْ رَوَى عَبْدُ اللَّهِ بْنُ زَيْدِ بْنِ أَسْلَمَ وَعَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ وَغَيْرُ وَاحِدٍ هَذَا الْحَدِيثَ عَنْ زَيْدِ بْنِ أَسْلَمَ مُرْسَلًا وَلَمْ

bin Ḥanbal about ‘Abdur-Raḥmān bin Zaid bin Aslam. He said: ‘His brother is Abdullāh bin Zaid, there is no harm in him.’” He said: I heard Muḥammad mentioning that ‘Alī bin ‘Abdullāh (Al-Madīnī) said: “‘Abdullāh bin Zaid bin Aslam is trustworthy, and ‘Abdur-Raḥmān bin Zaid bin Aslam is weak.” Muḥammad said: “And I do not report anything from him.”

يَذْكُرُوا فِيهِ عَنْ أَبِي سَعِيدٍ. وَعَبْدُ الرَّحْمَنِ ابْنُ زَيْدِ بْنِ أَسْلَمَ يُضَعَّفُ فِي الْحَدِيثِ [قَالَ]: سَمِعْتُ أَبَا دَاوُدَ السَّجَزِيَّ يَقُولُ: سَأَلْتُ أَحْمَدَ بْنَ حَنْبَلٍ عَنْ عَبْدِ الرَّحْمَنِ ابْنِ زَيْدِ بْنِ أَسْلَمَ؟ فَقَالَ: أَخُوهُ عَبْدُ اللَّهِ ابْنُ زَيْدٍ لَا بَأْسَ بِهِ [قَالَ]: وَسَمِعْتُ مُحَمَّدًا يَذْكُرُ عَنْ عَلِيِّ بْنِ عَبْدِ اللَّهِ [الْمَدِينِيِّ] قَالَ: عَبْدُ اللَّهِ بْنُ زَيْدِ بْنِ أَسْلَمَ ثِقَةٌ. وَعَبْدُ الرَّحْمَنِ بْنُ زَيْدِ بْنِ أَسْلَمَ ضَعِيفٌ. قَالَ مُحَمَّدٌ: وَلَا أَرَوِي عَنْهُ شَيْئًا.

تخريج: [إسناده ضعيف] وأخرجه عبد بن حميد، ح: ٩٥٩ من حديث عبد الرحمن بن زيد ابن أسلم به، وهو ضعيف جدًا عن أبيه وللحديث شواهد ضعيفة عند الدارقطني: ١٨٣/٢ والبخاري، (كشف): ١٠١٧ وغيرهما.

Chapter 25. What Has Been Related About One Who Vomits Purposely

(المعجم ٢٥) - بَابُ مَا جَاءَ فِيْمَنْ اسْتَقَاءَ عَمْدًا (التحفة ٢٥)

720. Abū Hurairah narrated that the Prophet ﷺ said: “Whoever is overcome by vomiting, then he is not required to make up (the fast), and whoever vomits on purpose, then he must make it up.” (Daʿif)

٧٢٠ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ عَنْ هِشَامِ بْنِ حَسَّانَ، عَنْ [مُحَمَّدٍ] بْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ ذَرَعَهُ الْقَيْءُ فَلَيْسَ عَلَيْهِ قَضَاءٌ وَمَنْ اسْتَقَاءَ عَمْدًا فَلْيَقْضِ».

(He said:) There are narrations on this topic from Abū Ad-Dardā', Thawbān, and Faḍālah bin 'Ubaid.

[قَالَ]: وَفِي الْبَابِ عَنْ أَبِي الدَّرْدَاءِ وَثَوْبَانَ وَفَضَالَه بْنِ عُبَيْدٍ.

Abū 'Eisā said: The *Ḥadīth* of Abū Hurairah is a *Ḥasan Gharīb Ḥadīth*, we do not know of it as a narration of Hishām, from Ibn Sīrīn, from Abū Hurairah from the Prophet ﷺ – except from through the narration

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ غَرِيبٌ لَا نَعْرِفُهُ مِنْ حَدِيثِ هِشَامٍ عَنْ ابْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ إِلَّا

of 'Eisā bin Yunūs. Muḥammad said: "I do not think that it is preserved."

Abū 'Eisā said: This *Ḥadīth* has been reported through more than one route from Abū Hurairah from the Prophet ﷺ, and its chain is not correct. It has been reported from Abū Ad-Dardā', Thawbān, and Faḍālah bin 'Ubaid that the Prophet ﷺ vomited and, that he had broken the fast. This *Ḥadīth* only means that when the Prophet ﷺ was performing a voluntary fast and he vomited because of being weak, then he broke the fast. This is how some of the narrations of the *Ḥadīth* explain it. The *Ḥadīth* of Abū Hurairah from the Prophet ﷺ is acted upon according to the people of knowledge: when the fasting person is overcome by vomiting then he does not make it up, and when he vomits on purpose then he makes it up. This is the view of Ash-Shāfi'ī, Sufyān Ath-Thawrī, Aḥmad and Ishāq.

مِنْ حَدِيثِ عِيسَى بْنِ يُونُسَ. وَقَالَ مُحَمَّدٌ:
لَا أَرَاهُ مَحْفُوظًا.

قَالَ أَبُو عِيسَى: وَقَدْ رُوِيَ هَذَا الْحَدِيثُ
مِنْ غَيْرِ وَجْهِ عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ
وَلَا يَصِحُّ إِسْنَادُهُ. [وَقَدْ] رُوِيَ عَنْ أَبِي
الدَّرْدَاءِ وَثَوْبَانَ وَفَضَالَهَ بْنِ عُبَيْدٍ أَنَّ النَّبِيَّ ﷺ
فَاءَ فَأَفْطَرَ.

وَأِنَّمَا مَعْنَى هَذَا الْحَدِيثِ أَنَّ النَّبِيَّ ﷺ
كَانَ صَائِمًا مُتَطَوِّعًا فَفَاءَ فَضَعُفَ فَأَفْطَرَ
لِذَلِكَ. هَكَذَا رُوِيَ فِي بَعْضِ الْحَدِيثِ
مُفَسَّرًا.

وَالْعَمَلُ عِنْدَ أَهْلِ الْعِلْمِ عَلَى حَدِيثِ أَبِي
هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ أَنَّ الصَّائِمَ إِذَا ذَرَعَهُ
الْقَيْءُ فَلَا قَضَاءَ عَلَيْهِ، وَإِذَا اسْتَقَاءَ عَمْدًا
فَلْيَقْضِ. وَبِهِ يَقُولُ الشَّافِعِيُّ وَسُفْيَانُ الثَّوْرِيُّ
وَأَحْمَدُ وَإِسْحَاقُ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الصيام، باب الصائم يستقيء عامداً،
ح: ٢٣٨٠ وابن ماجه، ح: ١٦٧٦ من حديث عيسى بن يونس به وصححه ابن خزيمة، ح: ١٩٦٠،
١٩٢١ وابن حبان، ح: ٩٠٧ والحاكم: ٤٢٦/١، ٤٢٧ والذهبي وضعفه البخاري والحق معه *
هشام بن حسان مدلس وعنعن، وللحديث طرق ضعيفة وأخرج البيهقي: ٢١٩/٤ بأسانيد صحيحة
عن ابن عمر قال: "من ذرعه القيء فلا قضاء عليه ومن استقاء فعليه القضاء" * وفي الباب عن أبي
الدرداء [تقدم: ٨٧] وثوبان [تقدم: ٨٧] وفضالة بن عبيد [ابن ماجه، ح: ١٦٧٥].

Comments:

The Four *A'imma* agreed that if vomiting overcomes someone and they vomit unintentionally, the fast will not break and he does not have to make it up later on; and if he vomits intentionally, the fast will be broken and it will be made up later on. (*Al-Mughni*: 4/368, *Al-Majmū'*: 6/320)

Chapter 26. What Has Been Related About The Fasting Person Eating Or Drinking Forgetfully

(المعجم ٢٦) - بَابُ مَا جَاءَ فِي الصَّائِمِ
يَأْكُلُ أَوْ يَشْرَبُ نَاسِيًا (التحفة ٢٦)

721. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Whoever eats or drinks forgetfully, then he has not broken (the fast), for it was only a provision that Allāh provided for him." (*Ṣaḥīḥ*)

٧٢١ - حَدَّثَنَا أَبُو سَعِيدٍ الْأَشْجَعِيُّ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ عَنْ حَجَّاجٍ [بْنِ أَرْطَاةَ]، عَنْ قَتَادَةَ، عَنِ ابْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَكَلَ أَوْ شَرِبَ نَاسِيًا فَلَا يُفْطِرُ فَإِنَّمَا هُوَ رِزْقُ رَزَقَهُ اللَّهُ».

تخریج: [صحيح] وهو متفق عليه، وأخرجه البخاري، الصوم، باب الصائم إذا أكل أو شرب ناسيًا، ح: ١٩٣٣ ومسلم، الصيام، باب أكل الناسي وشربه وجماعه لا يفطر، ح: ١١٥٥ من حديث محمد بن سيرين به .

722. (Another chain) with the same or similar (*Ḥadīth* as no. 721). (*Ṣaḥīḥ*)

٧٢٢ - حَدَّثَنَا أَبُو سَعِيدٍ [الْأَشْجَعِيُّ]: حَدَّثَنَا أَبُو أُسَامَةَ عَنْ عَوْفٍ، عَنِ ابْنِ سِيرِينَ وَخَلَّاسٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ مِثْلَهُ أَوْ نَحْوَهُ. [قَالَ:] وَفِي الْبَابِ عَنْ أَبِي سَعِيدٍ وَأُمِّ إِسْحَاقَ الْغَنَوِيَّةِ.

(He said:) There are narrations on this topic from Abū Sa'eed, and Umm Ishāq Al-Ghanawiyyah.

Abū 'Eisā said: The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to most of the people of knowledge. It is the saying of Sufyān Ath-Thawrī, Ash-Shāfi'ī, Aḥmad and Ishāq. Mālik bin Anas said: "When he eats forgetfully during Ramaḍān, then he has to make it up." But the first view is more correct.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ. وَبِهِ يَقُولُ سُفْيَانُ الثَّوْرِيُّ وَالشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ. وَقَالَ مَالِكُ بْنُ أَنَسٍ: إِذَا أَكَلَ فِي رَمَضَانَ نَاسِيًا فَعَلَيْهِ الْقَضَاءُ. وَالْقَوْلُ الْأَوَّلُ أَصَحُّ.

تخریج: [صحيح] وأخرجه البخاري، الأيمان والنذور، باب: إذا حنت في الإيمان، ح: ٦٦٩٩ من حديث أبي أسامة به، وانظر الحديث السابق * وفي الباب عن أبي سعيد [الدارقطني: ١٧٧/٢، ١٧٨] وأم إسحاق الغنوية [أحمد: ٣٦٧/٦].

Chapter 27. What Has Been Related About Breaking The Fast On Purpose

723. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Whoever breaks the fast during Ramaḍān without an allowance nor an illness, then if he fasted for all time, his fasting would not make up for it.” (*Da‘īf*)

Abū ‘Eisā said: The *Hadīth* of Abū Hurairah is a narration that we do not know of except from this route. I heard Muḥammad saying: “The name of Al-Muṭawwis (one of the narrators) is Yazīd bin Al-Muṭawwis, and I do not know of any other than this *Hadīth* from him.”

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الصيام، باب التغليظ فيمن أفطر عمدًا، ح: ٢٣٩٦ من حديث حبيب به، أبوالمطوس لين الحديث وأبو مجهول (تقريب) وأعله ابن خزيمة، ح: ١٩٨٧.

Comments:

This *Hadīth* proves that if a person abandons a fast of Ramaḍān or breaks it without any religiously valid excuse, he can then keep fasting his whole life but he cannot achieve the reward and virtuousness of the missed fast of Ramaḍān; his sin and offence will not be forgiven by just making it up without sincere repentance.

Chapter 28. What Has Been Related About The Atonement For Breaking The Fast During Ramaḍān.

724. Abū Hurairah narrated that a man came and said: “O Messenger of Allāh; I am ruined!” He said: “What has ruined you?” He said: “I had sexual relations with my wife during Ramaḍān.” He said:

(المعجم ٢٧) - بَابُ مَا جَاءَ فِي

الْإِفْطَارِ مُتَعَمِّدًا (التحفة ٢٧)

٧٢٣ - حَدَّثَنَا بُنْدَارٌ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ وَعَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ قَالَا: حَدَّثَنَا سُفْيَانُ عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ: حَدَّثَنَا أَبُو الْمُطَوَّسِ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَفْطَرَ يَوْمًا مِنْ رَمَضَانَ مِنْ غَيْرِ رُخْصَةٍ وَلَا مَرَضٍ لَمْ يَقْضِ عَنْهُ صَوْمُ الدَّهْرِ كُلِّهِ وَإِنْ صَامَهُ».

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ لَا نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ. وَسَمِعْتُ مُحَمَّدًا يَقُولُ: أَبُو الْمُطَوَّسِ اسْمُهُ يَزِيدُ بْنُ الْمُطَوَّسِ وَلَا أَعْرِفُ لَهُ غَيْرَ هَذَا الْحَدِيثِ.

(المعجم ٢٨) - بَابُ مَا جَاءَ فِي كَفَّارَةِ

الْفِطْرِ فِي رَمَضَانَ (التحفة ٢٨)

٧٢٤ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ الْجَهْضَمِيُّ وَأَبُو عَمَّارٍ وَالْمَعْنَى وَاحِدٌ وَاللَّفْظُ لَفْظُ أَبِي عَمَّارٍ قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ

“Are you able to free a slave?” He said, “No.” He said: “Then are you able to fast for two consecutive months?” He said, “No.” He said: “Then are you able to feed sixty needy people?” He said, “No.” He said: “Sit.” So he sat. A big basket full of dates was brought to the Prophet ﷺ, and he said: “Give it in charity.” So he said: “There is no one needier than us between its two mountains.”^[1] So the Prophet ﷺ laughed until his pre-molar teeth appeared, and he said: “Then take it to feed your family.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ibn ‘Umar, ‘Āishah, and ‘Abdullāh bin ‘Amr.

Abū ‘Eīsā said: The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This *Ḥadīth* is acted upon according to the people of knowledge regarding one who breaks his fast on purpose during Ramaḍān by sexual intercourse. As for one who breaks his fast on purpose by eating or drinking, then the people of knowledge differed over that. Some of them said that he has to make it up and atone for it. They likened eating and drinking to sexual intercourse in this regard. This is the saying of Sufyān Ath-Thawrī, Ibn Al-Mubārak, and Ishāq. Some of them said: He has to make it up, but there is no atonement required of him, because atonement was only

أَبِي هُرَيْرَةَ قَالَ: أَنَاهُ رَجُلٌ فَقَالَ: يَا رَسُولَ اللَّهِ! هَلَكْتُ، قَالَ: «وَمَا أَهْلَكَ؟» قَالَ: وَقَعْتُ عَلَى امْرَأَتِي فِي رَمَضَانَ، قَالَ: «هَلْ تَسْتَطِيعُ أَنْ تُعْتِقَ رَقَبَةً؟» قَالَ: لَا، قَالَ: «فَهَلْ تَسْتَطِيعُ أَنْ تَصُومَ شَهْرَيْنِ مُتَتَابِعَيْنِ؟» قَالَ: لَا، قَالَ: «فَهَلْ تَسْتَطِيعُ أَنْ تُطْعِمَ سِتِينَ مِسْكِينًا؟» قَالَ: لَا، قَالَ: «اجْلِسْ» فَجَلَسَ، فَأَتَى النَّبِيَّ ﷺ بِعَرَقٍ فِيهِ تَمْرٌ، وَالْعَرَقُ الْمِكْتَلُ الضَّخْمُ، قَالَ: «فَتَصَدَّقْ بِهِ»، فَقَالَ: مَا بَيْنَ لَابَتَيْهَا أَحَدٌ أَفْقَرُ مِنِّي، قَالَ: فَضَحَكَ النَّبِيُّ ﷺ حَتَّى بَدَتْ أُنْيَابُهُ، قَالَ: «فُخْذُهُ فَأَطْعِمَهُ أَهْلَكَ» [قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عُمَرَ وَعَائِشَةَ وَعَبْدِ اللَّهِ بْنِ عَمْرٍو.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ أَهْلِ الْعِلْمِ فِيمَنْ أَفْطَرَ فِي رَمَضَانَ مُتَعَمِّدًا مِنْ جَمَاعٍ، وَأَمَّا مَنْ أَفْطَرَ مُتَعَمِّدًا مِنْ أَكُلٍ أَوْ شُرْبٍ فَإِنَّ أَهْلَ الْعِلْمِ قَدْ اخْتَلَفُوا فِي ذَلِكَ، فَقَالَ بَعْضُهُمْ: عَلَيْهِ الْقَضَاءُ وَالْكَفَّارَةُ، وَشَبَّهُوا الْأَكْلَ وَالشُّرْبَ بِالْجَمَاعِ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَابْنِ الْمُبَارَكِ وَإِسْحَاقَ.

وَقَالَ بَعْضُهُمْ: عَلَيْهِ الْقَضَاءُ وَلَا كَفَّارَةَ عَلَيْهِ، لِأَنَّهُ إِنَّمَا ذُكِرَ عَنِ النَّبِيِّ ﷺ الْكَفَّارَةُ فِي الْجَمَاعِ وَلَمْ يُذَكَّرْ عَنْهُ فِي الْأَكْلِ

^[1] Meaning, Al-Madinah.

mentioned from the Prophet ﷺ in the case of sexual intercourse, it was not mentioned by him for eating and drinking. And they say that the eating and drinking is not like sexual intercourse. This is the saying of Ash-Shāfi'i and Ahmad. Ash-Shāfi'i said: "The saying of the Prophet ﷺ to the man who had broken his fast and who he had told to give the charity: 'Take it to feed your family' carries this meaning; it implies that the atonement is required from the one who is capable of it. This man was not capable of the atonement, so when the Prophet ﷺ gave him something and he possessed it, then the man said: 'There is no one that is more in need of it than us.' So the Prophet ﷺ said: 'Take it to feed your family.' Because the atonement can only take place after he has some surplus from his provisions." Ash-Shāfi'i preferred that whoever has a case similar to this, then he is to eat from it and the atonement will be a debt upon him, so whenever he is able to make the atonement, he should make it.

وَالشُّرْبِ، وَقَالُوا: لَا يُشْبِهُ الْأَكْلُ وَالشُّرْبُ الْجَمَاعَ. وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ. وَقَالَ الشَّافِعِيُّ: وَقَوْلُ النَّبِيِّ ﷺ لِلرَّجُلِ الَّذِي أَفْطَرَ فَتَصَدَّقْ عَلَيْهِ: «خُذْهُ فَأَطْعِمْهُ أَهْلَكَ» يَحْتَمِلُ هَذَا مَعَانِي، يَحْتَمِلُ أَنْ يَكُونَ الْكَفَّارَةُ عَلَى مَنْ قَدَرَ عَلَيْهَا، وَهَذَا رَجُلٌ لَمْ يَقْدِرْ عَلَى الْكَفَّارَةِ فَلَمَّا أَعْطَاهُ النَّبِيُّ ﷺ شَيْئًا وَمَلَكَهُ فَقَالَ الرَّجُلُ: مَا أَحَدٌ أَفْقَرُ إِلَيْهِ مِنَّا فَقَالَ النَّبِيُّ ﷺ: «خُذْهُ فَأَطْعِمْهُ أَهْلَكَ» لِأَنَّ الْكَفَّارَةَ إِنَّمَا تَكُونُ بَعْدَ الْفَضْلِ، عَنْ قُوَّتِهِ. وَاخْتَارَ الشَّافِعِيُّ لِمَنْ كَانَ عَلَى مِثْلِ هَذَا الْحَالِ أَنْ يَأْكُلَهُ، وَتَكُونَ الْكَفَّارَةُ عَلَيْهِ ذَيْنًا فَمَتَى مَا مَلَكَ يَوْمًا مَا كَفَّرَ.

تخریج: متفق عليه، وأخرجه البخاري، كفارات الأيمان، باب: متى تجب الكفارة على الغني والفقير؟... إلخ، ح: ٦٧٠٩-٦٧١١ ومسلم، الصيام، باب تغليظ تحريم الجماع في نهار رمضان على الصائم... إلخ، ح: ١١١١ من حديث سفيان بن عيينة به * وفي الباب عن ابن عمر [أبو يعلى: ٨٩/١٠، ٩٠، ح: ٥٧٢٥] وعائشة [البخاري، ح: ١٩٣٥ ومسلم، ح: ١١١٢] وعبدالله ابن عمرو [أحمد: ٢/٢٠٨].

Comments:

If a person has sexual intercourse with his wife while he was in state of fasting in the month of Ramaḍān, he will have to carry out the expiation according to the Four A'immaḥ and the majority, of the scholars. He will have to make up this fast according to the majority jurists, this is the right opinion.

Chapter 29. What Has Been Related About The *Siwāk* For The Fasting Person

(المعجم ٢٩) - بَابُ مَا جَاءَ

فِي السَّوَاكِ لِلصَّائِمِ

(التحفة ٢٩)

725. ‘Abdullāh bin ‘Āmir bin Rabī‘ah narrated from his father who said: “I saw the Prophet ﷺ – (a number of times) such that I was not able to count – using the *Siwāk* while he was fasting.” (*Da‘īf*)

He said: There is something on this topic from ‘Āishah.

Abū ‘Eisā said: The *Ḥadīth* of ‘Āmir bin Rabī‘ah is a *Ḥasan Ḥadīth*. This is acted upon according to the people of knowledge. They did not see any harm in the *Siwāk* for the fasting person, except that some of the people of knowledge considered it disliked for the fasting person to use fresh wood, and they considered it disliked to use the *Siwāk* at the end of the day. *Ash-Shāfi‘ī* did not see any harm in using the *Siwāk* in the beginning or the end of the day. *Aḥmad* and *Ishāq* disliked using the *Siwāk* at the end of the day.

٧٢٥ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا سُفْيَانُ عَنْ عَاصِمِ بْنِ عُبَيْدِ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ عَامِرٍ ابْنِ رَبِيعَةَ، عَنْ أَبِيهِ قَالَ: رَأَيْتُ النَّبِيَّ ﷺ مَا لَا أَحْصِي، يَتَسَوَّكُ وَهُوَ صَائِمٌ. قَالَ: وَفِي الْبَابِ عَنْ عَائِشَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ عَامِرِ بْنِ رَبِيعَةَ حَدِيثٌ حَسَنٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ، لَا يَرَوْنَ بِالسَّوَاكِ لِلصَّائِمِ بَأْسًا إِلَّا أَنَّ بَعْضَ أَهْلِ الْعِلْمِ كَرِهُوا السَّوَاكَ لِلصَّائِمِ بِالْعُودِ الرُّطْبِ، وَكَرِهُوا لَهُ السَّوَاكَ آخِرَ النَّهَارِ. وَلَمْ يَرِ الشَّافِعِيُّ بِالسَّوَاكِ بَأْسًا أَوَّلَ النَّهَارِ وَآخِرَهُ. وَكَرِهَ أَحْمَدُ وَإِسْحَاقُ السَّوَاكَ آخِرَ النَّهَارِ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الصيام، باب السواك للصائم، ح: ٢٣٦٤ من حديث سفیان الثوري به، عاصم بن عبيدالله ضعيف من جهة حفظه وأعله ابن خزيمة، ح: ٢٠٠٧ * وفي الباب عن عائشة [ابن ماجه، ح: ١٦٧٧] والبيهقي: ٢٧٢/٤ وكان ابن عمر لا يرى بأساً بالسواك للصائم.

Comments:

Imām Sufyān Ath-Thawrī, Al-Awzā‘ī and Abū Ḥanīfah are of the view that a fasting person may use any type of *Siwāk* / tooth-stick / toothbrush during any part of the day. ‘Alī, Ibn ‘Umar, ‘Urwah and Mujāhid also hold the same opinion and this is the correct one.

Chapter 30. What Has Been Related About *Kuhl* For The Fasting Person

726. Anas bin Mālik narrated that a man came to the Prophet ﷺ and said: "My eyes are bothering me, can I use *Kuhl* while I am fasting?" He said: "Yes." (*Ḍaʿīf*)

(He said:) There is something on this topic from Abū Rāfi'.

Abū 'Eisā said: The chain for the *Ḥadīth* of Anas is not strong, and there is nothing authentic from the Prophet ﷺ about this topic. Abū 'Ātikah (one of the narrators) was graded weak.

The people of knowledge differ over the fasting person using *Kuhl*; some of them disliked it, this is the view of Sufyān, Ibn Al-Mubārak, Aḥmad, and Ishāq. Some of the people of knowledge allowed *Kuhl* for the fasting person, and this is the view of Ash-Shāfi'.

تخریج: [إسناده ضعيف] * أبو عاتكة ضعيف (تقريب) * وفي الباب عن أبي رافع [البیهقي: ٢٦٢/٤ وقال: "ليس بالقوي"].

Chapter 31. What Has Been Related About Kissing For The Fasting Person.

727. 'Āishah narrated: "The Prophet ﷺ would kiss during the month of fasting." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from 'Umar bin Al-Khaṭṭāb, Ḥaḥṣah, Abū Sa'eed, Umm Salamah, Ibn 'Abbās, Anas, and Abū Hurairah.

Abū 'Eisā said: The *Ḥadīth* of 'Āishah is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

(المعجم ٣٠) - بَابُ مَا جَاءَ فِي الْكُحْلِ لِلصَّائِمِ (التحفة ٣٠)

٧٢٦ - حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ وَاصِلٍ [الْكُوفِيُّ]: حَدَّثَنَا الْحَسَنُ بْنُ عَطِيَّةٍ: حَدَّثَنَا أَبُو عَاتِكَةَ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ قَالَ: اشْتَكَّتْ عَيْنِي أَفَأَكْتَجِلُ وَأَنَا صَائِمٌ؟ قَالَ: «نَعَمْ».

[قَالَ:] وَفِي الْبَابِ عَنْ أَبِي رَافِعٍ. قَالَ أَبُو عِيسَى: حَدِيثُ أَنَسٍ حَدِيثٌ لَيْسَ إِسْنَادُهُ بِالْقَوِيِّ وَلَا يَصُحُّ عَنِ النَّبِيِّ ﷺ فِي هَذَا الْبَابِ شَيْءٌ. وَأَبُو عَاتِكَةَ يُضَعَّفُ.

وَاخْتَلَفَ أَهْلُ الْعِلْمِ فِي الْكُحْلِ لِلصَّائِمِ، فَكَرِهَهُ بَعْضُهُمْ، وَهُوَ قَوْلُ سُفْيَانَ وَابْنِ الْمُبَارَكِ وَأَحْمَدَ وَإِسْحَاقَ. وَرَخَّصَ بَعْضُ أَهْلِ الْعِلْمِ فِي الْكُحْلِ لِلصَّائِمِ، وَهُوَ قَوْلُ الشَّافِعِيِّ.

(المعجم ٣١) - بَابُ مَا جَاءَ فِي الْقُبْلَةِ لِلصَّائِمِ (التحفة ٣١)

٧٢٧ - حَدَّثَنَا هَنَادٌ وَقُتَيْبَةُ قَالَا: حَدَّثَنَا أَبُو الْأَخْوَصِ عَنْ زِيَادِ بْنِ عِلَاقَةَ، عَنْ عَمْرِو ابْنِ مَيْمُونٍ، عَنْ عَائِشَةَ: أَنَّ النَّبِيَّ ﷺ كَانَ يَقْبَلُ فِي شَهْرِ الصَّوْمِ.

[قَالَ:] وَفِي الْبَابِ عَنْ عُمَرَ بْنِ الْخَطَّابِ وَحَفْصَةَ وَأَبِي سَعِيدٍ وَأُمِّ سَلَمَةَ وَابْنِ عَبَّاسٍ وَأَنَسٍ وَأَبِي هُرَيْرَةَ.

The people of knowledge, among the Companions of the Prophet ﷺ, and others, differ over kissing for the fasting person. Some of the Companions of the Prophet ﷺ permitted kissing for the elder man but they did not permit it for the young, fearing that his fast would not be safe from it. Fondling is worse according to them, some of the people of knowledge said that kissing ruins the reward, but it does not break the fast. They held the view that if the fasting person can control himself then he can kiss, and when he does not think that he can control himself then he should avoid kissing for the safety of his fast. This is the saying of Sufyān Ath-Thawrī and Ash-Shāfi'ī.

قَالَ أَبُو عِيسَى: حَدِيثُ عَائِشَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ.
وَاخْتَلَفَ أَهْلُ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرُهُمْ فِي الْقُبْلَةِ لِلصَّائِمِ. فَرَخَّصَ بَعْضُ أَصْحَابِ النَّبِيِّ ﷺ فِي الْقُبْلَةِ لِلشَّيْخِ وَلَمْ يَرَخَّصُوا لِلشَّابِّ مَخَافَةَ أَنْ لَا يَسْلَمَ لَهُ صَوْمُهُ، وَالْمُبَاشَرَةُ عَنْدهُمْ أَشَدُّ وَقَدْ قَالَ بَعْضُ أَهْلِ الْعِلْمِ: الْقُبْلَةُ تَنْقُصُ الْأَجَرَ وَلَا تُفْطِرُ الصَّائِمَ، وَرَأَوْا أَنَّ لِلصَّائِمِ إِذَا مَلَكَ نَفْسَهُ أَنْ يُقَبِّلَ، وَإِذَا لَمْ يَأْمَنْ عَلَى نَفْسِهِ تَرَكَ الْقُبْلَةَ لِيَسْلَمَ لَهُ صَوْمُهُ. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالشَّافِعِيِّ.

تخريج: وأخرجه مسلم، الصيام، باب بيان أن القبلة في الصوم ليست محرمة... إلخ، ح: ٧٠/١١٠٦ عن قتبية به وأخرجه البخاري، ح: ١٩٢٨ من حديث آخر عن عائشة به * وفي الباب عن عمر بن الخطاب [أبو داود، ح: ٢٣٨٥] وحفصة [مسلم، ح: ١١٠٧] وأبي سعيد [ابن خزيمة، ح: ١٩٦٧-١٩٦٩، ٢٠٠٥] وأم سلمة [البخاري، ح: ٣٢٢، ومسلم، ح: ١١٠٨، ٢٩٦] وابن عباس [ابن ماجه، ح: ١٦٨٨] وأنس [الطبراني في الأوسط ٢٢٧/٥ ح: ٤٤٤٩] وأبي هريرة [أبو داود، ح: ٢٣٨٧].

Comments:

The truth is whether one is young or old and the fasting is obligatory or voluntary, if a person has control over his sexual desire and emotion, then kissing and body contact is allowed; if there is a risk of losing control over sexual desire it is then impermissible.

Chapter 32. What Has Been Related About Embracing^[1] For The Fasting Person

(المعجم ٣٢) - بَابُ مَا جَاءَ فِي مُبَاشَرَةِ الصَّائِمِ (التحفة ٣٢)

728. 'Aishah narrated: "The

٧٢٨ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا وَكِيعٌ:

[1] Fondling is more general than kissing. It is said that it is for a man to touch his wife without touching her private area, and, it is said that it means kissing, along with touching with the hand. ('Alī) Al-Qārī said that. *Tuhfat Al-Ahwadhi*.

Messenger of Allāh ﷺ would fondle me while he was fasting, and he had the most control among you of his limbs (*li irbihi*).” (*Ṣaḥīḥ*)

حَدَّثَنَا إِسْرَائِيلُ عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي مَيْسَرَةَ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَبَاشِرُنِي وَهُوَ صَائِمٌ وَكَانَ أَمْلَكَكُمْ لِإِرْبِيهِ.

تخريج: [صحيح] أبو ميسرة هو عمرو بن شرحبيل، وانظر الحديث الآتي.

729. ‘Aishah narrated: “The Messenger of Allāh ﷺ would kiss and fondle while he was fasting, and he had the most control among you of his limbs.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Hadīth* is *Ḥasan Ṣaḥīḥ*. Abū Maisarah’s name is ‘Amr bin Shurahīl, and the meaning of (*Al-Irbihi*) “his limbs” is himself.^[1]

٧٢٩ - حَدَّثَنَا هَذَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ وَالْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَقْبَلُ وَيَبَاشِرُ وَهُوَ صَائِمٌ وَكَانَ أَمْلَكَكُمْ لِإِرْبِيهِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ وَأَبُو مَيْسَرَةَ اسْمُهُ عَمْرُو بْنُ شُرَحْبِيلَ. وَمَعْنَى لِإِرْبِيهِ يَغْنِي لِنَفْسِهِ.

تخريج: وأخرجه مسلم، الصيام، باب بيان القبلة في الصوم ليست محرمة ... إلخ: ١١٠٦/ ٦٥ من حديث أبي معاوية الضرير به.

Comments:

Here it means merely the body contact, not the performance of sexual intercourse.

Chapter 33. What Has Been Related About: There Is No Fast For The One Who Did Not Determine It During The (Preceding) Night

730. Ḥafṣah narrated that the Prophet ﷺ said: “Whoever did not decide to fast before *Fajr* then there is no fast for him.” (*Daʿīf*)

Abū ‘Eisā said: We do not know of the *Hadīth* of Ḥafṣah to be *Marfūʿ* except from this route. It has been reported from Nāfiʿ, from

(المعجم ٣٣) - بَابُ مَا جَاءَ لَا صِيَامَ لِمَنْ لَمْ يَغْزِمِ مِنَ اللَّيْلِ (التحفة ٣٣)

٧٣٠ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا أَبُو مَرْيَمَ: حَدَّثَنَا يَحْيَى بْنُ أَيُّوبَ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ، عَنْ حَفْصَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ لَمْ يُجْمِعِ الصِّيَامَ قَبْلَ الْفَجْرِ فَلَا صِيَامَ لَهُ».

^[1] It may also be read: *Al-Arabihi* which would mean “his desires”. Al-Mubārakpūrī said that *Al-Arabihi* is the more popular way of reading it. It was translated in accordance with the way it appears in this publication.

Ibn 'Umar as his saying, and this is more correct. (Similarly, this *Hadīth* was reported from Az-Zuhri in *Mawqūf* form, and we do not know of anyone who narrated it in *Marfū'* form except for Yahya bin Ayyūb.) According to some of the people of knowledge, this only means that there is no fast for the one who does not decide to do so before *Fajr* begins during Ramaḍān, or when making up for Ramaḍān, or when fasting to expiate a vow; when he did not intend it during the night, then it will not be accepted from him. As for voluntary fasting, then it is permissible for him to intend to do it after the morning begins. This is the view of Ash-Shāfi'i, Aḥmad, and Ishāq.

قَالَ أَبُو عِيسَى: حَدِيثُ حَفْصَةَ حَدِيثٌ لَا نَعْرِفُهُ مَرْفُوعًا إِلَّا مِنْ هَذَا الْوَجْهِ وَقَدْ رَوَى عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَوْلُهُ وَهُوَ أَصَحُّ: [وَهَكَذَا أَيْضًا رَوَى هَذَا الْحَدِيثُ، عَنِ الزُّهْرِيِّ مَوْقُوفًا وَلَا نَعْلَمُ أَحَدًا رَفَعَهُ إِلَّا يَحْيَى بْنُ أَبِي بُرَيْدٍ] وَإِنَّمَا مَعْنَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ: لَا صِيَامَ لِمَنْ لَمْ يُجْمِعِ الصِّيَامَ قَبْلَ طُلُوعِ الْفَجْرِ فِي رَمَضَانَ أَوْ فِي قَضَاءِ رَمَضَانَ أَوْ فِي صِيَامٍ نَذَرَ إِذَا لَمْ يَنْوِهِ مِنَ اللَّيْلِ لَمْ يُجْزِهِ.

وَأَمَّا صِيَامُ الْمُتَطَوِّعِ فَمُبَاحٌ لَهُ أَنْ يَنْوِيهِ بَعْدَ مَا أَصْبَحَ. وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الصيام، باب النية في الصوم، ح: ٢٤٥٤ من يحيى بن أيوب به وصححه ابن خزيمة، ح: ١٩٣٣ الزهري عن موقوف حفصة وابن عمر، أخرجهما النسائي، ح: ٢٣٣٨، ٢٣٤٤ وغيره بأسانيد صحيحة.

Comments:

It is agreed that the intention is necessary whether the fast is obligatory or voluntary because it is an act of worship.

Chapter 34. What Has Been Related About Breaking The Voluntary Fast

731. Umm Hāni' narrated: "I was sitting with the Prophet ﷺ when some drink was brought, so he drank from it, then he offered it to me and I drank from it. Then I said: 'I have indeed sinned, so seek forgiveness for me.' He said: 'What is that?' I said: 'I was fasting, then I broke the fast.' He said: 'Were you

(المعجم ٣٤) - بَابُ مَا جَاءَ فِي إِفْطَارِ الصَّائِمِ الْمُتَطَوِّعِ (التحفة ٣٤)

٧٣١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو الْأَحْوَصِ عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنِ ابْنِ أُمِّ هَانِيٍّ، عَنْ أُمِّ هَانِيٍّ قَالَتْ: كُنْتُ قَاعِدَةً عِنْدَ النَّبِيِّ ﷺ فَأَتَانِي بِشَرَابٍ فَشَرِبْتُ مِنْهُ ثُمَّ نَاوَلَنِي فَشَرِبْتُ مِنْهُ فَقُلْتُ إِنِّي أَذْنَبْتُ فَاسْتَغْفِرْ لِي فَقَالَ: «وَمَا ذَاكَ؟» قَالَتْ: كُنْتُ صَائِمَةً

performing a fast that you had to make up?’ I said: ‘No.’ He said: ‘Then it is no harm for you.’”

(*Da'if*)

(He said:) There are narrations on this topic from Abū Sa'eed and 'Aishah.

فَأَفْطَرْتُ، فَقَالَ: «أَمِنْ قَصَاءٍ كُنْتَ تَقْضِيهِ؟»
قَالَتْ: لَا، قَالَ: «فَلَا يَضُرُّكَ».

[قَالَ]: وفي الباب عن أبي سعيد وعائشة.

تخریج: [ضعیف] وأخرجه ابن أبي شیبہ: ۳۰/۳ عن أبي الأحوص به وهو في السنن الكبرى للنسائي، ح: ۳۳۰۶ من طريقه ورواه البغوي في شرح السنة: ۳۷۰/۶، ۳۷۱، ح: ۱۸۱۳ من طريق الترمذي به * هارون ابن أم هانئ مجهول (تقريب) وللحديث شواهد ضعيفة عند الحاكم: ۴۳۹/۱ وأبي داود، ح: ۲۴۵۶ وغيرهما * وفي الباب عن أبي سعيد [البیهقي: ۲۷۹/۴ والطبراني في الأوسط: ۱۵۲/۴، ح: ۳۲۶۴] وعائشة [يأتي: ۷۳۴].

Comments:

The majority said that making up a voluntary broken fast is not compulsory, whereas according to the *Ahnāf* it is compulsory to make a voluntary fast whether it is broken due to a valid excuse or without an excuse. The truth is that making it up is not compulsory but doing so is better.

732. Simāk bin Ḥarb narrated: “A person from the offspring of Umm Hānī’ narrated to me – I met one of the most virtuous among them, and his name was Ja’dah, and Umm Hānī’ was his grandmother – he narrated to me from his grandmother that the Messenger of Allāh ﷺ entered upon her and asked for some drink, and he drank. Then he offered it to her and she drank it. Then she said: “O Messenger of Allāh! I was fasting.” So the Messenger of Allāh ﷺ said: “The one fasting a voluntary fast is the trustee for himself; if he wishes he fasts, and if he wishes he breaks.” Shu’bah (one of the narrators) said: “I said to him (Ja’dah):^[1] ‘Did you hear this from Umm Hānī’?” He said: ‘No

۷۳۲ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ: حَدَّثَنَا شُعْبَةُ قَالَ: كُنْتُ أَسْمَعُ سِمَاكَ بْنَ حَرْبٍ يَقُولُ: أَحَدُ بَنِي أُمِّ هَانِئٍ حَدَّثَنِي فَلَقِيتُ أَنَا أَفْضَلَهُمْ وَكَانَ اسْمُهُ جَعْدَةَ، وَكَانَتْ أُمُّ هَانِئٍ جَدَّتَهُ فَحَدَّثَنِي، عَنْ جَدَّتِهِ أَنَّ رَسُولَ اللَّهِ ﷺ دَخَلَ عَلَيْهَا فَدَعَا بِشَرَابٍ فَشَرِبَ ثُمَّ تَأَوَّلَهَا فَشَرِبْتُ، فَقَالَتْ: يَا رَسُولَ اللَّهِ أَمَا إِنِّي كُنْتُ صَائِمَةً، فَقَالَ رَسُولُ اللَّهِ ﷺ: «الصَّائِمُ الْمُتَطَوِّعُ أَمِينُ نَفْسِهِ إِنْ شَاءَ صَامَ وَإِنْ شَاءَ أَفْطَرَ».

قَالَ شُعْبَةُ: قُلْتُ لَهُ: [أَأَنْتَ سَمِعْتَ هَذَا مِنْ أُمِّ هَانِئٍ؟ قَالَ: لَا، أَخْبَرَنِي أَبُو صَالِحٍ وَأَهْلُنَا، عَنْ أُمِّ هَانِئٍ.

^[1] *Tuhfat Al-Ahwadhī.*

Abū Ṣāliḥ and our family informed us of it from Umm Hānī'." (Da'if)

Ḥammād bin Salamah reported this *Ḥadīth* from Simāk [bin Ḥarb] and he said: "From Hārūn the son of the daughter of Umm Hānī', from Umm Hānī'." And the narration of Shu'bah is better. This is how it was narrated to us by Maḥmūd bin Ghailān, from Abū Dāwūd, he said: "The trustee for himself", while others besides Maḥmūd narrated it from Abū Dāwūd that he said: "in charge of himself – or the trustee for himself" with doubt. Similarly it was reported from others, from Shu'bah: "In charge of himself – or the trustee for himself" with doubt

(He said: There is disparagement regarding the chain for the *Ḥadīth* of Umm Hānī', while it is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others: When the one performing a voluntary fast breaks his fast, then he is not required to make it up unless it was (a fast) that he was required to make up. This is the view of Sufyān Ath-Thawrī, Aḥmad, Ishāq and Ash-Shāfi'ī.)

وَرَوَى حَمَّادُ بْنُ سَلَمَةَ هَذَا الْحَدِيثَ عَنْ سِمَاكٍ [بْنِ حَرْبٍ]، فَقَالَ: عَنْ هَارُونَ ابْنِ بِنْتِ أُمِّ هَانِيٍّ عَنْ أُمِّ هَانِيٍّ. وَرِوَايَةُ شُعْبَةَ أَحْسَنُ. هَكَذَا حَدَّثَنَا مَحْمُودُ بْنُ غَيْلَانَ عَنْ أَبِي دَاوُدَ فَقَالَ: «أَمِينُ نَفْسِهِ» وَحَدَّثَنَا غَيْرُ مَحْمُودٍ عَنْ أَبِي دَاوُدَ فَقَالَ: «أَمِيرُ نَفْسِهِ - أَوْ - أَمِينُ نَفْسِهِ» عَلَى الشَّكِّ. وَهَكَذَا رُوِيَ مِنْ غَيْرِ وَجْهِ، عَنْ شُعْبَةَ: «أَمِيرُ - أَوْ - أَمِينُ نَفْسِهِ» عَلَى الشَّكِّ.

[قَالَ: وَحَدِيثُ أُمِّ هَانِيٍّ فِي إِسْنَادِهِ مَقَالٌ وَالْعَمَلُ عَلَيْهِ عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: أَنَّ الصَّائِمَ الْمُتَطَوِّعَ إِذَا أَفْطَرَ فَلَا قَضَاءَ عَلَيْهِ إِلَّا أَنْ يُحِبَّ أَنْ يَقْضِيَهُ. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَأَحْمَدَ وَإِسْحَاقَ وَالشَّافِعِيِّ.]

تخريج: [إسناده ضعيف] وأخرجه أحمد: ٣٤٣/٦، ح: ٢٧٤٤٨ من حديث شعبة به وهو في مسند أبي داود الطيالسي، ح: ١٦١٨ أبو صالح ضعيف وانظر الحديث السابق.

Chapter 35. Performing A Voluntary Fast Without Planning It The Night Before

(المعجم ٣٥) - [بَابُ صِيَامِ الْمُتَطَوِّعِ بِغَيْرِ تَبَيُّتٍ] (التحفة ٣٥)

733. 'Āishah, the Mother of the Believers, narrated: "The Messenger

٧٣٣ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا وَكِيعٌ عَنْ طَلْحَةَ بْنِ يَحْيَى، عَنْ عَمَّتِهِ عَائِشَةَ بِنْتِ

of Allāh ﷺ visited me one day and said: 'Do you have anything (to eat)?' She said: "I said: 'No.' He said: 'Then I am fasting.'" (*Ṣaḥīḥ*)

طَلْحَةَ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: دَخَلَ عَلَيَّ رَسُولُ اللَّهِ ﷺ يَوْمًا فَقَالَ: «هَلْ عِنْدَكُمْ شَيْءٌ؟» قَالَتْ: قُلْتُ: لَا، قَالَ: «فَأَنِّي صَائِمٌ».

تخریج: وأخرجه مسلم، الصيام، باب جواز صوم النافلة بنية من النهار قبل الزوال ... الخ، ح: ۱۱۵۴ من حديث وكيع به.

734. 'Āishah, the Mother of the Believers, narrated: "The Messenger of Allāh ﷺ came to me saying, 'Do you have anything for breakfast?' I said: 'No.' Then he said: 'I am fasting.'" She said: "One day he came to me and I said: 'O Messenger of Allāh; I have received a gift for us.' He said: 'What is it?' She said: "I said: '*Hais*'^[1] He said: 'I began the day fasting'" She said: "Then he ate." (*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Hadīth* is *Hasan*.

۷۳۴ - حَدَّثَنَا مُحَمَّدُ بْنُ غِيلَانَ: حَدَّثَنَا يَشْرُ بْنُ السَّرِيِّ عَنْ سُفْيَانَ، عَنْ طَلْحَةَ بْنِ يَحْيَى، عَنْ عَائِشَةَ بِنْتِ طَلْحَةَ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: إِنْ كَانَ النَّبِيُّ ﷺ يَأْتِينِي فَيَقُولُ: «أَعِنْدُكَ غَدَاةٌ؟» فَأَقُولُ: لَا، فَيَقُولُ: «إِنِّي صَائِمٌ»: قَالَتْ: فَأَتَانِي يَوْمًا فَقُلْتُ: يَا رَسُولَ اللَّهِ إِنَّهُ قَدْ أُهْدِيَتْ لَنَا هَدِيَّةٌ، قَالَ: «وَمَا هِيَ؟» قَالَتْ: قُلْتُ: حَيْسٌ، قَالَ: «أَمَا إِنِّي قَدْ أَصْبَحْتُ صَائِمًا»، قَالَتْ: ثُمَّ أَكَلْ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ.

تخریج: [صحيح] انظر الحديث السابق.

Comments:

The 'Majority' said that the intention for a voluntary fast can be determined until before the sun passes the meridian, and according to Imām Aḥmad the intention may be determined even after the sun has passed the meridian, said Imām Ibn Qudāmah.

Chapter 36. What Has Been Reported About: The Obligation On Him To Make Up

735. 'Āishah narrated: "Ḥaḥṣah and I were both fasting when we were presented some food that we really wanted, so we ate from it. The Messenger of Allāh ﷺ came,

(المعجم ۳۶) - بَابُ مَا جَاءَ فِي إِجْبَابِ الْقَضَاءِ عَلَيْهِ (التحفة ۳۶)

۷۳۵ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا كَثِيرُ ابْنِ هِشَامٍ: حَدَّثَنَا جَعْفَرُ بْنُ بُرْقَانَ عَنْ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: كُنْتُ

[1] A dish made of cooking-butter, dried dates, and cheese.

and Ḥaṣṣah beat me to him – she was the daughter of her father^[1] – and she said: ‘O Messenger of Allāh! We were both fasting when we were presented with some food that we wanted, so we ate from it.’ He said: ‘Make up another day in its place.’” (*Da‘īf*)

Abū ‘Eisā said: Ṣāliḥ bin Abī Al-Akhḍar and Muḥammad bin Abī Ḥaṣṣah (also) narrated this *Ḥadīth* from Az-Zuhri, from ‘Urwah, from ‘Āishah. While Mālik bin Anas, Ma‘mar, ‘Ubaidullāh bin ‘Umar, Ziyād bin Sa’d and others among the *Huffāz* reported it from Az-Zuhri, from ‘Āishah, in *Mursal* form; they did not mention “from ‘Urwah” in it. This is more correct because it has been reported from Ibn Juraij that he said: “I asked Az-Zuhri: ‘Did ‘Urwah narrate this to you from ‘Āishah?’ He said: ‘I did not hear anything from ‘Urwah about this. Rather, during the *Khilāfah* of Sulaimān bin ‘Abdul-Mālik I heard from some people, from someone who asked ‘Āishah about this *Ḥadīth*.’”

This was narrated to us (with his chain) from Ibn Juraij, and he mentioned the *Ḥadīth*.

Some of the people of knowledge among the Companions of the Prophet ﷺ and others followed this *Ḥadīth*, seeing that one has to make up a fast when it is broken, and this is the view of Mālik bin Anas.

أَنَا وَحَفْصَةُ صَائِمَتَيْنِ فَعَرِضَ لَنَا طَعَامٌ اشْتَهَيْنَاهُ فَأَكَلْنَا مِنْهُ فَجَاءَ رَسُولُ اللَّهِ ﷺ فَبَدَّرَتْنِي إِلَيْهِ حَفْصَةُ وَكَانَتْ ابْنَةُ أَبِيهَا، فَقَالَتْ: يَا رَسُولَ اللَّهِ إِنَّا كُنَّا صَائِمَتَيْنِ فَعَرِضَ لَنَا طَعَامٌ اشْتَهَيْنَاهُ فَأَكَلْنَا مِنْهُ، قَالَ: «أَفْضِيَا يَوْمًا آخَرَ مَكَانَهُ».

قَالَ أَبُو عِيسَى: وَرَوَى صَالِحُ بْنُ أَبِي الْأَخْضَرِ وَمُحَمَّدُ بْنُ أَبِي حَفْصَةَ هَذَا الْحَدِيثَ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ مِثْلَ هَذَا. وَرَوَى مَالِكُ بْنُ أَنَسٍ وَمَعْمَرٌ وَعُبَيْدُ اللَّهِ ابْنُ عَمْرٍ وَزِيَادُ بْنُ سَعْدٍ وَغَيْرُ وَاحِدٍ مِنَ الْحَفَاطِ عَنِ الزُّهْرِيِّ، عَنْ عَائِشَةَ مُرْسَلًا وَلَمْ يَذْكُرُوا فِيهِ، عَنْ عُرْوَةَ وَهَذَا أَصَحُّ، لِأَنَّهُ رَوَى عَنْ ابْنِ جُرَيْجٍ قَالَ: سَأَلْتُ الزُّهْرِيَّ فَقُلْتُ [لَهُ]: أَحَدَّثَكَ عُرْوَةُ، عَنْ عَائِشَةَ؟ قَالَ: لَمْ أَسْمَعْ مِنْ عُرْوَةَ فِي هَذَا شَيْئًا، وَلَكِنِّي سَمِعْتُ فِي خِلَافَةِ سُلَيْمَانَ بْنِ عَبْدِ الْمَلِكِ مِنْ نَاسٍ، عَنْ بَعْضِ مَنْ سَأَلَ عَائِشَةَ عَنْ هَذَا الْحَدِيثِ.

حَدَّثَنَا بِهَذَا عَلِيُّ بْنُ عِيسَى بْنُ يَزِيدَ الْبَغْدَادِيُّ: حَدَّثَنَا رَوْحُ بْنُ عُبَادَةَ عَنِ ابْنِ جُرَيْجٍ فَذَكَرَ الْحَدِيثَ.

وَقَدْ ذَهَبَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ إِلَى هَذَا الْحَدِيثِ قَرَأُوا عَلَيْهِ الْقَصَاءَ إِذَا أَفْطَرَ، وَهُوَ قَوْلُ مَالِكِ بْنِ أَنَسٍ.

[1] Meaning, they raced to meet the Prophet ﷺ, but she was quicker than ‘Āishah, may Allāh be pleased with them.

تخريج: [إسناده ضعيف] وأخرجه أحمد: ٢٦٣/٦ عن كثير بن هشام به وهو في السنن الكبرى للنسائي، ح: ٣٢٩١ من طريق كثير، ورواه أبو داود، ح: ٢٤٥٧ من طريق آخر عن عروة به، جعفر صدوق بهم في حديث الزهري (تقريب) وشيخه لم يصرح بالسماع - إن صح السند إليه بل سمعه من مجاهيل - وللحديث طرق ضعيفة * حديث مالك في الموطأ: ٣٠٦/١ (يحيى).

Comments:

Most *A'imma* graded this *Hadith* as Weak, but the *Ahnāf* and *Shāfi'ī* accept *Mursal* narrations as proof if the chain is authentic up to the person who made the *Irsāl*. So in their opinion making it up is compulsory, but it is proven through a collective and analytic study of the *Ahādith* that making it up is not compulsory, it is rather better.

Chapter 37. What Has Been Related About Connecting Fasts Of *Sha'bān* To *Ramaḍān*

(المعجم ٣٧) - بَابُ مَا جَاءَ فِي وَصَالِ شَعْبَانَ بِرَمَضَانَ (التحفة ٣٧)

736. Umm Salamah narrated: "I did not see the Prophet ﷺ fasting two consecutive months except for *Sha'bān* and *Ramaḍān*." (*Ṣaḥīḥ*)

There is something on this topic from 'Aishah.

Abū 'Eisā said: The *Hadith* of Umm Salamah is a *Hasan Hadith*. This *Hadith* has also been reported from Abū Salamah, from 'Aishah, that she said: "I did not see the Prophet ﷺ fasting more in any month than he did during *Sha'bān*. He would fast (all) but a little of it, rather, he would fast all of it."

٧٣٦ - حَدَّثَنَا بُنْدَارٌ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ ابْنُ مَهْدِيٍّ عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ، عَنْ أَبِي سَلَمَةَ، عَنْ أُمِّ سَلَمَةَ قَالَتْ: مَا رَأَيْتُ النَّبِيَّ ﷺ يَصُومُ شَهْرَيْنِ مُتَابَعَيْنِ إِلَّا شَعْبَانَ وَرَمَضَانَ. وَفِي الْبَابِ عَنْ عَائِشَةَ. قَالَ أَبُو عِيسَى: حَدِيثُ أُمِّ سَلَمَةَ حَدِيثٌ حَسَنٌ.

وَقَدْ رُوِيَ هَذَا الْحَدِيثُ أَيْضًا عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ أَنَّهَا قَالَتْ: مَا رَأَيْتُ النَّبِيَّ ﷺ فِي شَهْرٍ أَكْثَرَ صِيَامًا مِنْهُ فِي شَعْبَانَ، كَانَ يَصُومُهُ إِلَّا قَلِيلًا بَلْ كَانَ يَصُومُهُ كُلَّهُ.

تخريج: [صحيح] وأخرجه النسائي: ١٥٠/٤، ح: ٢١٧٧ (الصيام، باب ذكر حديث أبي سلمة في ذلك) عن محمد بن بشار به وللحديث شواهد صحيحة عند النسائي، ح: ٢١٧٨ وغيره * وفي الباب عن عائشة [يأتي: ٧٣٧].

737. (Another chain, a *Hadith* similar to no. 736) for that, from 'Aishah, from the Prophet ﷺ. (*Hasan*)

Sālim Abū An-Naḍr and others,

٧٣٧ - حَدَّثَنَا بِذَلِكَ هَذَا: حَدَّثَنَا عَبْدُ عَنْ مُحَمَّدِ بْنِ عَمْرٍو: حَدَّثَنَا أَبُو سَلَمَةَ عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ بِذَلِكَ.

narrated this *Hadīth* from Abū Salamah, from ‘Āishah, and it is similar to the narration of Muḥammad bin ‘Amr. (a narrator in the chain of this *Hadīth*) It has been reported that Ibn Al-Mubārak said about this *Hadīth*: “It is allowed in the language of the ‘Arabs, that when one fasts most of the month, it is said that he fasted all of it. It is said: ‘So-and-so stood the whole night in prayer’ while perhaps he ate or involved himself with some other matter.” It is as if Ibn Al-Mubārak saw that both of the *Aḥādīth* were in agreement, saying that the meaning of this *Hadīth* is only that he fasted most of the month.

وَرَوَى سَالِمٌ أَبُو النَّضْرِ وَغَيْرُ وَاحِدٍ هَذَا الْحَدِيثَ عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ نَحْوَ رَوَايَةِ مُحَمَّدِ بْنِ عَمْرٍو.

وَرَوَى عَنِ ابْنِ الْمُبَارَكِ أَنَّهُ قَالَ فِي هَذَا الْحَدِيثِ [قَالَ]: هُوَ جَائِزٌ فِي كَلَامِ الْعَرَبِ إِذَا صَامَ أَكْثَرَ الشَّهْرِ أَنْ يُقَالَ صَامَ الشَّهْرَ كُلَّهُ، وَيُقَالُ: قَامَ فَلَانٌ لَيْلَتَهُ أَجْمَعَ وَلَعَلَّهُ تَعَسَّى وَاشْتَغَلَ بِبَعْضِ أَمْرِهِ، كَأَنَّ ابْنَ الْمُبَارَكِ قَدْ رَأَى كِلَا الْحَدِيثَيْنِ مُتَّفِقَيْنِ، يَقُولُ: إِنَّمَا مَعْنَى هَذَا الْحَدِيثِ أَنَّهُ كَانَ يَصُومُ أَكْثَرَ الشَّهْرِ.

تخريج: [إسناده حسن] وأخرجه البخاري، الصوم، باب صوم شعبان، ح: ١٩٦٩ ومسلم، ح: ١٧٥/١١٥٦ من حديث أبي سلمة به.

Comments:

The Prophet ﷺ explained that the wisdom of fasting frequently in Sha‘bān is that people are neglectful of the good and blessing of it, while it is such a month during which the deeds of the whole year are presented to Allāh; therefore I wish that my deeds are presented while I am fasting.

Chapter 38. What Has Been Related About It Being Disliked To Fast During The Second Half of Sha‘bān For The Sake Of Ramaḍān.

(المعجم ٣٨) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ الصَّوْمِ فِي النِّصْفِ الثَّانِي مِنْ شَعْبَانَ لِحَالِ رَمَضَانَ (التحفة ٣٨)

738. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “When a half of Sha‘bān remains then do not fast.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: The *Hadīth* of Abū Hurairah is a *Hasan Ṣaḥīḥ Hadīth*, and, we do not know of it except

٧٣٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ ابْنُ مُحَمَّدٍ عَنِ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا بَقِيَ نِصْفٌ مِنْ شَعْبَانَ فَلَا تَصُومُوا».

from this route, with this wording. According to some of the people of knowledge, this *Hadīth* refers to the case of a man who is not fasting, and when part of the month of *Sha'bān* remains, he starts fasting for the sake of the month of *Ramaḍān*. There is something that is reported from Abū Hurairah, from the Prophet ﷺ that is similar to this saying: where he ﷺ said: "Do not precede the month of *Ramaḍān* by fasting, unless that fast falls on a day that one of you would have (normally) fasted."

In this *Hadīth* there is proof that it is only disliked for the one who fasts purposefully for the sake of *Ramaḍān*.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ لَا نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ عَلَى هَذَا اللَّفْظِ.

وَمَعْنَى هَذَا الْحَدِيثِ عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ أَنْ يَكُونَ الرَّجُلُ مُفْطِرًا، فَإِذَا بَقِيَ شَيْءٌ مِنْ شَعْبَانَ أَخَذَ فِي الصَّوْمِ لِحَالِ شَهْرِ رَمَضَانَ.

وَقَدْ رَوَى عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ مَا يُشْبِهُ قَوْلَهُ، حَيْثُ قَالَ النَّبِيُّ ﷺ: «لَا تَقْدَمُوا شَهْرَ رَمَضَانَ بِصِيَامٍ إِلَّا أَنْ يُوَافِقَ ذَلِكَ صَوْمًا كَانَ يَصُومُهُ أَحَدُكُمْ» وَقَدْ دَلَّ فِي هَذَا الْحَدِيثِ إِنَّمَا الْكَرَاهِيَّةُ عَلَى مَنْ يَتَعَمَّدُ الصِّيَامَ لِحَالِ رَمَضَانَ.

تخريج: [إسناده صحيح] وأخرجه أبو داود، الصيام، باب: في كراهية ذلك، ح: ٢٣٣٧ عن قتبية به وصححه ابن حبان (الإحسان): ٣٥٨٣ * حديث: لا تقدموا شهر رمضان ... إلخ (تقدم: ٦٨٥، ٦٨٧).

Comments:

There is no harm if a person has been fasting since the beginning of the month, or it is a fast of making up and fulfilling a vow, or this coincides with his regular fast which he observes every month generally.

Chapter 39. What Has Been Related About The Middle Night Of *Sha'bān*

(المعجم ٣٩) - بَابُ مَا جَاءَ فِي لَيْلَةِ

النَّصْفِ مِنْ شَعْبَانَ (التحفة ٣٩)

739. 'Āishah narrated: "I could not find the Messenger of Allāh one night. So I left and found him at Al-Baqī'.^[1] He said: 'Did you fear you had been wronged by Allāh and His Messenger?' I said: 'O Messenger of Allāh! I thought that you had gone to one of your wives.'

٧٣٩ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: أَخْبَرَنَا الْحَجَّاجُ بْنُ أَرْطَاةَ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ غُرُوزَةَ، عَنْ عَائِشَةَ قَالَتْ: فَقَدْتُ رَسُولَ اللَّهِ ﷺ لَيْلَةً فَخَرَجْتُ فَإِذَا هُوَ بِالْبَقِيعِ، فَقَالَ: «أَكُنْتِ

^[1] A place on the outskirts of Al-Madīnah that is known for its graveyard.

So he said: ‘Indeed Allāh, Mighty and Sublime is He, descends to the lowest Heavens during the night of the middle of Sha’bān, to grant forgiveness to more than the number of hairs on the sheep of (Banū) Kalb.’” (*Da’īf*)

There is something on this topic from Abū Bakr Aṣ-Ṣiddīq.

Abū ‘Eīsā said: We do not know of the *Hadīth* of ‘Aishah except by this route, from the narration of Al-Ḥajjāj, and I heard Muḥammad saying that this *Hadīth* is weak. He said: “Yahya bin Abī Kathīr did not hear from ‘Urwah.” Muḥammad said: “Al-Ḥajjāj did not hear from Yahya bin Abī Kathīr.”

تَخَافِينَ أَنْ يَحِيفَ اللَّهُ عَلَيْكَ وَرَسُولُهُ؟
قُلْتُ: يَا رَسُولَ اللَّهِ ظَنَنْتُ أَنَّكَ أَتَيْتَ بَعْضَ
نِسَائِكَ، فَقَالَ: «إِنَّ اللَّهَ عَزَّ وَجَلَّ يَنْزِلُ لَيْلَةَ
النِّصْفِ مِنْ شَعْبَانَ إِلَى السَّمَاءِ الدُّنْيَا فَيَغْفِرُ
لَاكْثَرِ مِنْ عَدَدِ شَعْرِ غَنَمٍ كُلِّ».

وفي البابِ عن أبي بكر الصِّديقي.
قَالَ أَبُو عِيسَى: حَدِيثُ عَائِشَةَ لَا نَعْرِفُهُ
إِلَّا مِنْ هَذَا الْوَجْهِ مِنْ حَدِيثِ الْحَجَّاجِ.
وَسَمِعْتُ مُحَمَّدًا يُضَعِّفُ هَذَا الْحَدِيثَ.
وَقَالَ: يَحْيَى بْنُ أَبِي كَثِيرٍ لَمْ يَسْمَعْ مِنْ
عُروَةَ. قَالَ مُحَمَّدٌ: وَالْحَجَّاجُ لَمْ يَسْمَعْ مِنْ
يَحْيَى بْنِ أَبِي كَثِيرٍ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، إقامة الصلوات، باب ماجاء في ليلة النصف من شعبان، ح: ١٣٨٩ من حديث يزيد بن هارون به * الحجاج بن أرطاة: ضعيف مدلس ولحديثه شواهد ضعيفة وفي الباب عن أبي بكر الصديق [ابن عدي في الكامل: ١٩٤٦/٥ وابن الجوزي في الواهيات: ٦٦/٢، ٦٧ وابن أبي عاصم في السنة، ص: ٢٢٢].

Comments:

Imām Suyūtī, Abū Tālib Makkī, Imām Ghazālī and Shaikh Abdul Qādir Jīlāni quoted many weak and denounced narrations in favor of the virtue of the fifteenth night of Sha’bān, and all these narrations are baseless. (*Ma’ārif As-Sunan*: 5/319). Banū Kalb was an Arab tribe, who owned more goats than all the Arab tribes.

Chapter 40. What Has Been Related About Fasting For Al-Muḥarram

740. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “The most virtuous fasting after the month of Ramaḍān is Allāh’s month Al-Muḥarram.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: The *Hadīth* of Abū Hurairah is a *Ḥasan Hadīth*.

(المعجم ٤٠) - بَابُ مَا جَاءَ فِي صَوْمِ
الْمُحَرَّمِ (التحفة ٤٠)

٧٤٠ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ
أَبِي بَشِيرٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ
الْحِمَيرِيِّ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ
اللَّهِ ﷺ: «أَفْضَلُ الصَّيَامِ بَعْدَ شَهْرِ رَمَضَانَ
شَهْرُ اللَّهِ الْمُحَرَّمُ».

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ.

تخريج: وأخرجه مسلم، الصيام، باب فضل صوم المحرم، ح: ١١٦٣ عن قتبية به.

741. An-Nu'mān bin Sa'd narrated: "A man asked 'Alī: 'Which month do you order me to fast after the month of Ramaḍān?' He said to him, 'I have not heard anyone ask about this except for a man whom I heard asking the Messenger of Allāh ﷺ while I was sitting with him. He said: "O Messenger of Allāh! Which month do you order me to fast after the month of Ramaḍān?" He said: "If you will fast after the month of Ramaḍān, then fast Al-Muḥarram, for indeed it is Allāh's month in which there is a day that Allāh accepted the repentance of a people, and in which He accepts the repentance of other people." (*Da'if*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Gharīb*.

٧٤١ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ إِسْحَاقَ، عَنِ النَّعْمَانِ بْنِ سَعْدٍ، عَنْ عَلِيٍّ قَالَ: سَأَلَهُ رَجُلٌ فَقَالَ: أَيُّ شَهْرٍ تَأْمُرُنِي أَنْ أَصُومَ بَعْدَ شَهْرِ رَمَضَانَ؟ قَالَ لَهُ: مَا سَمِعْتُ أَحَدًا يَسْأَلُ عَنْ هَذَا إِلَّا رَجُلًا سَمِعْتُهُ يَسْأَلُ رَسُولَ اللَّهِ ﷺ وَأَنَا قَاعِدٌ عِنْدَهُ فَقَالَ: يَا رَسُولَ اللَّهِ أَيُّ شَهْرٍ تَأْمُرُنِي أَنْ أَصُومَ بَعْدَ شَهْرِ رَمَضَانَ؟ قَالَ: «إِنْ كُنْتَ صَائِمًا بَعْدَ شَهْرِ رَمَضَانَ فَصُمْ الْمُحَرَّمَ فَإِنَّهُ شَهْرُ اللَّهِ، فِيهِ يَوْمٌ تَابَ اللَّهُ فِيهِ عَلَى قَوْمٍ وَيَتُوبُ فِيهِ عَلَى قَوْمٍ آخَرِينَ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ.

تخريج: [إسناده ضعيف] وأخرجه الدارمي، ح: ١٧٦٣ من حديث عبدالرحمن بن إسحاق

الكوفي به وهو ضعيف وشيخه مستور.

Comments:

The attribution of Muḥarram to Allāh is to express its nobility, virtuousness and significance and it is one of the four inviolable months, it is the first month of the lunar calendar. On the 10th [the day of 'Āshūrā] of this month Allāh delivered the children of Israel from the oppression of Pharaoh while destroying Pharaoh and his army. So the Prophet would fast on the day of 'Āshūrā and would also urge others to do so, and later he encouraged fasting the 9th along with the 10th when doing so.

Chapter 41. What Has Been Related About Fasting On Friday

742. 'Abdullāh narrated: "The Messenger of Allāh ﷺ would fast during the beginning of every

(المعجم ٤١) - بَابُ مَا جَاءَ فِي صَوْمِ

يَوْمِ الْجُمُعَةِ (التحفة ٤١)

٧٤٢ - حَدَّثَنَا الْقَاسِمُ بْنُ دِينَارٍ: حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى وَطَلْقُ بْنُ عَتَّامٍ عَنْ شَيْبَانَ،

month for three days, and Friday was the least of days that he did not fast.” (*Hasan*)

(He said:) There are narrations on this topic from Ibn ‘Umar, and Abū Hurairah. Abū ‘Eīsā said: The *Hadīth* of ‘Abdullāh is a *Hasan Gharīb Hadīth*. There are those among the people of knowledge who considered it recommended to fast on Friday, and that it is only disliked to fast Friday when one does not fast a day before it or after it.

He said: *Shu‘bah* reported this *Hadīth* from ‘Āṣim, and he did not report it in *Marfū‘* form.

تخريج: [إسناده حسن] وأخرجه أبو داود، الصيام، باب: في صوم الثلاث من كل شهر، ح: ٢٤٥٠ من حديث شيان به وصححه ابن خزيمة، ح: ٢١٢٩ وابن حبان (الإحسان): ٣٦٣٧ * وفي الباب عن ابن عمر [أبو يعلى: ٧١/١٠، ح: ٥٧٠٩ والبخاري: ١/٤٩٩، ح: ١٠٧١] وأبي هريرة [يأتي: ٧٤٣].

Chapter 42. What Has Been Related About It Being Disliked To Fast On Friday Alone

743. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “None of you should fast on Friday unless he fasts before it, or he fasts after it.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from ‘Alī, Jābir, Junādah Al-Azdī, Juwairiyah, Anas, and ‘Abdullāh bin ‘Amr.

Abū ‘Eīsā said: The *Hadīth* of Abū Hurairah is a *Hasan Ṣaḥīḥ Hadīth*. This is acted upon according to the people of knowledge, they consider it disliked for a man to single out

عَنْ عَاصِمٍ، عَنْ زُرٍّ، عَنْ عَبْدِ اللَّهِ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَصُومُ مِنْ غُرَّةِ كُلِّ شَهْرٍ ثَلَاثَةَ أَيَّامٍ، وَقَلَّ مَا كَانَ يُفْطِرُ يَوْمَ الْجُمُعَةِ. [قَالَ:] وَفِي الْبَابِ عَنْ ابْنِ عُمَرَ وَأَبِي هُرَيْرَةَ. قَالَ أَبُو عِيسَى: حَدِيثُ عَبْدِ اللَّهِ حَدِيثٌ حَسَنٌ غَرِيبٌ.

وَقَدْ اسْتَحَبَّ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ صِيَامَ يَوْمِ الْجُمُعَةِ، وَإِنَّمَا يُكْرَهُ أَنْ يَصُومَ يَوْمَ الْجُمُعَةِ لَا يَصُومَ قَبْلَهُ وَلَا بَعْدَهُ. قَالَ: وَرَوَى شُعْبَةُ عَنْ عَاصِمٍ هَذَا الْحَدِيثَ وَلَمْ يَرْفَعْهُ.

(المعجم ٤٢) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ صَوْمِ يَوْمِ الْجُمُعَةِ وَحْدَهُ (التحفة ٤٢)

٧٤٣ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَصُومُ أَحَدُكُمْ يَوْمَ الْجُمُعَةِ إِلَّا أَنْ يَصُومَ قَبْلَهُ أَوْ يَصُومَ بَعْدَهُ».

[قَالَ:] وَفِي الْبَابِ عَنْ عَلِيٍّ وَجَابِرٍ وَجُنَادَةَ الْأَزْدِيِّ وَجُوَيْرِيَةَ وَأَنَسٍ وَعَبْدِ اللَّهِ بْنِ عَمْرٍو.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ

Friday with fasting by not fasting before it nor after it. This is the view of Aḥmad and Ishāq.

حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ يَكْرَهُونَ لِلرَّجُلِ أَنْ يَخْتَصَّ يَوْمَ الْجُمُعَةِ بِصِيَامٍ لَا يَصُومُ قَبْلَهُ وَلَا بَعْدَهُ. وَبِهِ يَقُولُ أَحْمَدُ وَإِسْحَاقُ.

تخريج: متفق عليه، وأخرجه مسلم، الصيام، باب كراهة أفراد يوم الجمعة بصوم لا يوافق عاداته، ح: ١١٤٤ من حديث أبي معاوية الضرير والبخاري، الصوم، باب صوم يوم الجمعة... إلخ، ح: ١٩٨٥ من حديث الأعمش به * وفي الباب عن علي [ابن أبي شيبه]: ٣٠٢/٢، ح: ٩٢٤٣ وهو موقوف [وجابر [البخاري، ح: ١٩٨٤ ومسلم، ح: ١١٤٣] وجنادة الأزدي [ابن أبي شيبه، ح: ٩٢٤٢] وجويرية [البخاري، ح: ١٩٨٦] وأنس [الطبراني في الأوسط: ١/١٨٨، ح: ٢٥٦] وعبدالله بن عمرو [أحمد: ١٨٩/٢ وابن خزيمة، ح: ٢١٦٢].

Chapter 43. What Has Been Related About Fasting on Saturday

(المعجم ٤٣) - بَابُ مَا جَاءَ فِي صَوْمِ يَوْمِ السَّبْتِ (التحفة ٤٣)

744. ‘Abdullāh bin Busr narrated from his sister that the Messenger of Allāh said: “Do not fast on Saturday except for what has been made obligatory upon you (by Allāh). If one of you does not find but a grape peal or a tree’s twig, then let him chew it.” (*Hasan*)

Abū ‘Eīsā said: This *Ḥadīth* is *Hasan*. The dislike here applies to when a man distinguishes Saturday by fasting it, because the Jews revere Saturday.

٧٤٤ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا شَفِيْعَانِ بْنُ حَبِيبٍ عَنْ ثَوْرِ بْنِ يَزِيدَ، عَنْ خَالِدِ ابْنِ مَعْدَانَ، عَنْ عَبْدِ اللَّهِ بْنِ بُسْرِ، عَنْ أُخْتِهِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تَصُومُوا يَوْمَ السَّبْتِ إِلَّا فِيمَا اقْتَرَضَ [اللَّهُ] عَلَيْكُمْ، فَإِنْ لَمْ يَجِدْ أَحَدُكُمْ إِلَّا لِحَاءَ عِنَبَةٍ أَوْ عُودَ شَجَرَةٍ فَلْيَمْضُغْهُ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ. وَمَعْنَى الْكَرَاهِيَّةِ فِي هَذَا أَنْ يَخْتَصَّ الرَّجُلُ يَوْمَ السَّبْتِ بِصِيَامٍ، لِأَنَّ الْيَهُودَ يُعَظِّمُونَ يَوْمَ السَّبْتِ.

تخريج: [إسناده حسن] وأخرجه أبو داود، الصيام، باب النهي أن يخص يوم السبت بصوم، ح: ٢٤٢١ عن حميد بن مسعدة به وصححه ابن خزيمة: ٣١٧/٣، ح: ٢١٦٣.

Comments:

To maintain the uniqueness and distinction of Islam, imitating non-Muslims is prohibited, because the Jews respect Saturday and regard it holy, so to single out just Saturday for fasting is to imitate them.

Chapter 44. What Has Been Related About Fasting On Monday And Thursday

745. ‘Aishah narrated: “The Prophet ﷺ used to try to fast on Mondays and Thursdays.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ḥafṣah, Abū Qatādah, (Abū Hurairah), and Usāmah bin Zaid.

Abū ‘Eisā said: The *Ḥadīth* of ‘Aishah is a *Ḥasan Gharib Ḥadīth* from this route.

(المعجم ٤٤) - بَابُ مَا جَاءَ فِي صَوْمِ
يَوْمِ الْاِثْنَيْنِ وَالْخَمِيسِ (التحفة ٤٤)

٧٤٥ - حَدَّثَنَا أَبُو حَفْصٍ عَمْرُو بْنُ عَلِيٍّ
الْفَلَّاسُ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ دَاوُدَ عَنْ ثَوْرِ بْنِ
يَزِيدَ، عَنْ خَالِدِ بْنِ مَعْدَانَ، عَنْ رَبِيعَةَ
الْجَرَشِيِّ، عَنْ عَائِشَةَ قَالَتْ: كَانَ النَّبِيُّ ﷺ
يَتَحَرَّى صَوْمَ الْاِثْنَيْنِ وَالْخَمِيسِ.
[قَالَ:] وَفِي الْبَابِ عَنْ حَفْصَةَ وَأَبِي قَتَادَةَ
[وَأَبِي هُرَيْرَةَ] وَأَسَامَةَ بْنِ زَيْدٍ.
قَالَ أَبُو عِيسَى: حَدِيثُ عَائِشَةَ حَدِيثٌ
حَسَنٌ غَرِيبٌ مِنْ هَذَا الْوُجْهِ.

تخريج: [إسناده صحيح] وأخرجه النسائي، الصيام، باب صوم النبي ﷺ بأبي هو وأمي
... إلخ، ح: ٢٣٦٣ عن عمرو بن علي به وللحديث شواهد * وفي الباب عن حفصة [أبو داود،
ح: ٢٤٥١] وأبي قتادة [مسلم، ح: ١١٦٢] وأبي هريرة [يأتي: ٧٤٧] وأسامة بن زيد [النسائي،
ح: ٢٣٦٠].

746. ‘Aishah narrated: “The Messenger of Allāh ﷺ would fast Saturdays, Sundays and Mondays in one month, and Tuesdays, Wednesdays and Thursdays in the next month.” (*Da‘īf*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan*. ‘Abdur-Rahmān bin Mahdī narrated this *Ḥadīth* from Sufyān, and he did not narrate it in *Marfū‘* form.

٧٤٦ - حَدَّثَنَا مُحَمَّدُ بْنُ غِيْلَانَ: حَدَّثَنَا
أَبُو أَحْمَدَ وَمُعَاوِيَةُ بْنُ هِشَامٍ قَالَا: حَدَّثَنَا
سُفْيَانُ عَنْ مَنْصُورٍ، عَنْ خَيْثَمَةَ، عَنْ عَائِشَةَ
قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَصُومُ مِنَ الشَّهْرِ
السَّبْتِ وَالْاِثْنَيْنِ، وَمِنَ الشَّهْرِ الْآخَرِ
الثَّلَاثَةَ وَالْارْبَعَاءَ وَالْخَمِيسَ.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ.
وَرَوَى عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ هَذَا الْحَدِيثَ
عَنْ سُفْيَانَ وَلَمْ يَرْفَعْهُ.

تخريج: [إسناده ضعيف] * خيثمة بن عبد الرحمن لم يسمع من عائشة، انظر نيل المقصود،
ح: ٢١٢٨ وسفيان الثوري عن (!).

747. Abū Hurairah narrated that the Messenger of Allāh ﷺ said:

٧٤٧ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى: حَدَّثَنَا

“The deeds are presented on Monday and Thursday, so I love that my deeds be presented while I am fasting.” (*Hasan*)

Abū ‘Eisā said: The *Hadīth* of Abū Hurairah on this topic is a *Hasan Gharīb Hadīth*.

أَبُو عَاصِمٍ عَنْ مُحَمَّدِ بْنِ رِفَاعَةَ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «تُعْرَضُ الْأَعْمَالُ يَوْمَ الْأَثْنَيْنِ وَالْخَمِيسِ فَأَجِبْ أَنْ يُعْرَضَ عَمَلِي وَأَنَا صَائِمٌ».

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ فِي هَذَا الْبَابِ حَدِيثٌ حَسَنٌ غَرِيبٌ.

تخريج: [إسناده حسن] وأصله عند مسلم، ح: ٢٥٦٥.

Comments:

This *Hadīth* proves that the Prophet ﷺ would fast particularly on Monday and Thursday because the deeds of the people are presented to Allāh on these two days and he liked to be fasting the day on which the deeds are presented to Allāh.

Chapter 45. What Has Been Related About Fasting On Wednesday And Thursday

748. ‘Ubaidullāh (bin Muslim) Al-Qurashī narrated from his father who said: “I asked – or; the Prophet ﷺ was asked – about fasting daily. So he said: ‘Your family has a right over you.’ Then he said: ‘Fast Ramaḍān and that which is after it, and, every Wednesday and Thursday. If you do that, then you will have fasted daily, as well as broken (the fast).’” (*Da‘īf*)

There is something on this topic from ‘Āishah.

Abū ‘Eisā said: The *Hadīth* of Muslim Al-Qurashī is a *Gharīb Hadīth*. Some of them narrated it from Ḥarūn bin Salmān, from Muslim bin ‘Ubaidullāh, from his father.

(المعجم ٤٥) - بَابُ مَا جَاءَ فِي صَوْمِ يَوْمِ الْأَرْبِعَاءِ وَالْخَمِيسِ (التحفة ٤٥)

٧٤٨ - حَدَّثَنَا الْحُسَيْنُ بْنُ مُحَمَّدٍ الْحَرِيرِيُّ وَمُحَمَّدُ بْنُ مَدْوَيْهَ قَالَا: حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى: حَدَّثَنَا هَارُونُ بْنُ سَلْمَانَ عَنْ عُبَيْدِ اللَّهِ [بْنِ مُسْلِمٍ] الْقُرَشِيِّ، عَنْ أَبِيهِ قَالَ: سَأَلْتُ أَوْ سُئِلَ النَّبِيُّ ﷺ عَنْ صِيَامِ الدَّهْرِ فَقَالَ: «إِنَّ لَأَهْلِكَ عَلَيْكَ حَقًّا»، ثُمَّ قَالَ: «صُمْ رَمَضَانَ وَالَّذِي بَلَيْهِ وَكُلَّ أَرْبِعَاءٍ وَخَمِيسٍ، فَإِذَا أَنْتَ قَدْ صُمْتَ الدَّهْرَ وَأَفْطَرْتَ».

وَفِي الْبَابِ عَنْ عَائِشَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ مُسْلِمِ الْقُرَشِيِّ حَدِيثٌ غَرِيبٌ. وَرَوَى بَعْضُهُمْ، عَنْ هَارُونِ بْنِ سَلْمَانَ، عَنْ مُسْلِمِ بْنِ عُبَيْدِ اللَّهِ، عَنْ أَبِيهِ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الصيام، باب: في صوم شوال، ح: ٢٤٣٢ من حديث عبيد الله بن موسى به، عبيد الله القرشي لم أعرفه بجرح ولا تعديل وباقي السند قوي * وفي الباب عن عائشة [تقدم: ٧٤٦].

Comments:

The Messenger of Allāh ﷺ did not follow a strict regular habit for voluntary fasts, so the various routines of the Prophet are reported regarding this issue. Imām At-Tirmidhī would mention the details of the voluntary fasts in the following chapters. With regards to fasting perpetually the whole year, a chapter is coming.

Chapter 46. What Has Been Related About The Virtue of Fasting on the Day of ‘Arafah

(المعجم ٤٦) - بَابُ مَا جَاءَ فِي فَضْلِ الصَّوْمِ يَوْمَ عَرَفَةَ (التحفة ٤٦)

749. Abū Qatādah narrated that the Prophet ﷺ said: “Fast the Day of ‘Arafah, for indeed I anticipate that Allāh will forgive (the sins) of the year after it, and the year before it.” (*Da‘īf*)

(He said:) There are narrations on this topic from Abū Sa‘eed.

Abū ‘Eīsā said: The *Ḥadīth* of Abū Qatādah is a *Ḥasan Ḥadīth*. The people of knowledge consider fasting recommended on the Day of ‘Arafah, except while (the pilgrim) is at ‘Arafāt.

٧٤٩ - حَدَّثَنَا قُتَيْبَةُ وَأَحْمَدُ بْنُ عَبْدِ الصَّيَّي قَالَا: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ غِيْلَانَ بْنِ جَرِيرٍ، عَنْ عَبْدِ اللَّهِ بْنِ مَعْبُدٍ الزَّمَانِيِّ، عَنْ أَبِي قَتَادَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «صِيَامُ يَوْمِ عَرَفَةَ إِنِّي أَحْتَسِبُ عَلَى اللَّهِ أَنْ يُكَفِّرَ السَّنَةَ الَّتِي بَعْدَهُ وَالسَّنَةَ الَّتِي قَبْلَهُ».

[قَالَ:] وفي الباب عن أبي سعيد. قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي قَتَادَةَ حَدِيثٌ حَسَنٌ، وَقَدْ اسْتَحَبَّ أَهْلُ الْعِلْمِ صِيَامَ يَوْمِ عَرَفَةَ إِلَّا بِعَرَفَةَ.

تخريج: وأخرجه مسلم، الصيام، باب استحباب صيام ثلاثة أيام من كل شهر ... إلخ، ح: ١١٦٢ عن قتيبة به مطولاً ويأتي: ٧٥٢ * وفي الباب عن أبي سعيد [عبد بن حميد: ٩٦٧].

Comments:

It is proven from this *Ḥadīth* that fasting on the Day of ‘Arafah (9th of Dhul-Hijjah) purifies a person from the mistakes and evil deeds of a year preceding and a year following it.

Chapter 47. What Has Been Related About It Being Disliked To Fast The Day Of 'Arafah While At 'Arafāt

750. Ibn 'Abbās narrated: "The Prophet ﷺ broke (the fast) at 'Arafah, Umm Faḍl sent him some milk to drink." (*Ṣaḥīḥ*)

There are narrations on this topic from Abū Hurairah, Ibn 'Umar, and Umm Al-Faḍl.

Abū 'Eīsā said: The *Hadīth* of Ibn 'Abbās is a *Ḥasan Ṣaḥīḥ Hadīth*. It has been reported that Ibn 'Umar said: "I performed *Hajj* with the Prophet ﷺ, and he did not fast it – that is, on the Day of 'Arafah – and with Abū Bakr, and he did not fast it, and with 'Umar, and he did not fast it, (and with 'Uthmān, and he did not fast it)."

This is acted upon according to most of the people of knowledge, they consider it recommended to break one's fast at 'Arafāt so that one will have the strength to supplicate. Some of the people of knowledge fasted at 'Arafāt on the Day of 'Arafah.

تخريج: [إسناده صحيح] وأخرجه أحمد: ١/٣٦٠ عن إسماعيل ابن علي به وصححه ابن حبان (الإحسان): ٣٥٩٦ * وفي الباب عن أبي هريرة [أبو داود، ح: ٢٤٤٠] وابن عمر [أبي: ٧٥١] وأم الفضل [البخاري، ح: ١٩٨٨ ومسلم، ح: ١١٢٣].

Comments:

Fasting on the Day of 'Arafah is not allowed for the pilgrims due to making this day easy, flexible and more beneficial.

751. Ibn Abī Najīḥ narrated from his father who said: "Ibn 'Umar was asked about fasting (the Day of) 'Arafah (at 'Arafāt). He said: 'I performed *Hajj* with the Prophet ﷺ, and he did not fast it, and with

(المعجم ٤٧) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ صَوْمِ يَوْمِ عَرَفَةَ بِعَرَفَةَ (التحفة ٤٧)

٧٥٠ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَلِيٍّ: حَدَّثَنَا أُيُوبُ عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ أَفْطَرَ بِعَرَفَةَ وَأَرْسَلَتْ إِلَيْهِ أُمُّ الْفَضْلِ بِلَبَنٍ فَشَرِبَ. وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ وَابْنِ عُمَرَ وَأُمِّ الْفَضْلِ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رُوِيَ عَنْ ابْنِ عُمَرَ قَالَ: حَجَجْتُ مَعَ النَّبِيِّ ﷺ فَلَمْ يَصُمْهُ - يَعْنِي يَوْمَ عَرَفَةَ - وَمَعَ أَبِي بَكْرٍ فَلَمْ يَصُمْهُ، وَمَعَ عُمَرَ فَلَمْ يَصُمْهُ [وَمَعَ عُثْمَانَ فَلَمْ يَصُمْهُ]. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ يَسْتَحِبُّونَ الْإِفْطَارَ بِعَرَفَةَ لِيَتَقَوَّى بِهِ الرَّجُلُ عَلَى الدَّعَاءِ، وَقَدْ صَامَ بَعْضُ أَهْلِ الْعِلْمِ يَوْمَ عَرَفَةَ بِعَرَفَةَ.

٧٥١ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ وَعَلِيُّ بْنُ حُجْرٍ قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ وَإِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ أَبِيهِ قَالَ: سُئِلَ ابْنُ عُمَرَ عَنْ صَوْمِ [يَوْمِ]

Abū Bakr, and he did not fast it, and with ‘Umar, and he did not fast it, and with ‘Uthmān, and he did not fast it. I do not fast it, nor order it nor forbid it.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan*, Abū Najīḥ’s name is Yasār, and he heard from Ibn ‘Umar, and this *Ḥadīth* was also reported from Ibn Najīḥ from his father, from a man, from Ibn ‘Umar.

عَرَفَةَ [بِعَرَفَةَ] قَالَ: حَجَّجْتُ مَعَ النَّبِيِّ ﷺ فَلَمْ يَصُومْهُ، وَمَعَ أَبِي بَكْرٍ فَلَمْ يَصُومْهُ، وَمَعَ عُمَرَ فَلَمْ يَصُومْهُ، وَمَعَ عُثْمَانَ فَلَمْ يَصُومْهُ، وَأَنَا لَا أَصُومُهُ وَلَا أَمُرُّ بِهِ وَلَا أَنْهَى عَنْهُ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ. وَأَبُو نَجِيحٍ اسْمُهُ يَسَارٌ وَقَدْ سَمِعَ مِنْ ابْنِ عُمَرَ وَرَوَى هَذَا الْحَدِيثُ أَيْضًا عَنْ ابْنِ نَجِيحٍ، عَنْ أَبِيهِ، عَنْ رَجُلٍ، عَنْ ابْنِ عُمَرَ.

تخريج: [صحيح] وأخرجه أحمد: ٤٧/٢ عن سفيان بن عيينة وإسماعيل ابن عليّ به وصححه ابن حبان (الإحسان): ٣٥٩٥ وللحديث شواهد منها الحديث السابق.

Comments:

Ibn ‘Umar meant that the example and practice of the Messenger of Allāh ﷺ and the caliphs was not to fast the Day of ‘Arafah in the valley of ‘Arafāt.

Chapter 48. What Has Been Related About The Encouragement To Fast The Day Of ‘Ashūrā^[1]

752. Abū Qatādah narrated that the Prophet ﷺ said: “Fast the Day of ‘Ashūrā’, for indeed I anticipate that Allāh will forgive (the sins of) the year before it.” (*Ṣaḥīḥ*)

There are narrations on this topic from ‘Alī, Muḥammad bin Ṣaifī, Salamah bin Al-Akwa’, Hind bin Asmā’, Ibn ‘Abbās, Ar-Rubayyī’ bint Mu‘awwidh bin ‘Afrā’, ‘Abdur-Raḥmān bin Salamah Al-Khuzā’ī from his uncle, and ‘Abdullāh bin Az-Zubair – they mentioned that the Prophet ﷺ encouraged fasting the Day of ‘Ashūrā’.

(المعجم ٤٨) - بَابُ مَا جَاءَ فِي الْحَثِّ عَلَى صَوْمِ يَوْمِ عَاشُورَاءَ (التحفة ٤٨)

٧٥٢ - حَدَّثَنَا قُتَيْبَةُ وَأَحْمَدُ بْنُ عَبْدِ الصَّغِيِّ قَالَا: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ غِيلَانَ ابْنِ جَرِيرٍ، عَنْ عَبْدِ اللَّهِ بْنِ مَعْبُدٍ الزَّمَانِيُّ، عَنْ أَبِي قَتَادَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «صِيَامُ يَوْمِ عَاشُورَاءَ إِنِّي أُحْتَسِبُ عَلَى اللَّهِ أَنْ يُكَفِّرَ السَّنَةَ الَّتِي قَبْلَهُ».

وَفِي الْبَابِ عَنْ عَلِيٍّ وَمُحَمَّدِ بْنِ صَيْفِيٍّ وَسَلَمَةَ بْنِ الْأَكْوَعِ وَهِنْدِ بْنِ أَسْمَاءَ وَابْنِ عَبَّاسٍ وَالرَّبِيعِ بْنِ مَعُوذٍ وَابْنِ عَفْرَاءَ وَعَبْدُ الرَّحْمَنِ بْنِ سَلَمَةَ الْخُرَاعِيِّ، عَنْ عَمِّهِ وَعَبْدِ

[1] That is the ninth or tenth of Al-Muḥarram, or, both days, and it is discussed below.

Abū 'Eisā said: We do not know of any narration in which he said that fasting the Day of 'Ashūrā' expiates (the sins of) a year, except for the narration of Abū Qatādah, and the *Hadīth* of Abū Qatādah is followed by Aḥmad and Ishāq.

اللَّهُ بْنُ الرَّبِيعِ، ذَكَرُوا عَنِ النَّبِيِّ ﷺ أَنَّهُ حَثَّ عَلَى صِيَامِ يَوْمِ عَاشُورَاءَ.

قَالَ أَبُو عِيسَى: لَا نَعْلَمُ فِي شَيْءٍ مِنَ الرِّوَايَاتِ أَنَّهُ قَالَ: صِيَامُ يَوْمِ عَاشُورَاءَ كَفَّارَةٌ سَنَةٍ، إِلَّا فِي حَدِيثِ أَبِي قَتَادَةَ، وَبِحَدِيثِ أَبِي قَتَادَةَ يَقُولُ أَحْمَدُ وَإِسْحَاقُ.

تخريج: [صحيح] تقدم: ٧٤٩ * وفي الباب عن علي [عبدالله بن أحمد في زوائد المسند: ١/ ١٢٩] ومحمد بن صيفي [بن ماجه، ح: ١٧٣٥] وسلمة بن الأكوع [البخاري، ح: ١٩٢٤] ومسلم، ح: ١١٣٥] وهند بن أسماء [أحمد: ٤٨٤/٣] وابن عباس [يأتي: ٧٥٤، ٧٥٥] والربيع بنت معوذ ابن عفراء [البخاري، ح: ١٩٦٠] ومسلم، ح: ١١٣٦] وعبدالرحمن بن سلمة الخزاعي عن عمه [الطحاوي في معاني الآثار: ٧٣/٢] وعبدالله بن الزبير [أحمد: ٦٠٥/٤].

Comments:

1. What is most virtuous is to fast on the 9th, 10th and 11th of Al-Muḥarram.
2. Secondly, to fast on 9th and 10th or 10th and 11th.
3. The last and lowest degree is to fast just on the 10th; and the meaning of its being expiation for the sins has been mentioned under the chapter 'Fasting on the Day of 'Arafah'.

Chapter 49. What Has Been Related About the Permission To Not Fast The Day Of 'Ashūrā'

(المعجم ٤٩) - بَابُ مَا جَاءَ فِي الرُّخْصَةِ فِي تَرْكِ صَوْمِ يَوْمِ عَاشُورَاءَ (التحفة ٤٩)

753. 'Āishah narrated: " 'Ashūrā' was a day that the Quraish used to fast during *Jāhiliyyah*, and the Messenger of Allāh ﷺ used to fast it. When he arrived in Al-Madīnah he fasted it, and he ordered the people to fast it. But when (the fast of) Ramaḍān became obligatory, the Ramaḍān was the required and 'Ashūrā' was left. So whoever wanted to, he fasted it, and whoever wanted to, he left it." (*Ṣaḥīḥ*)

There are narrations on this topic from Ibn Mas'ūd, Qais bin Sa'd, Jābir bin Samurah, Ibn 'Umar, and Mu'āwiyah.

٧٥٣ - حَدَّثَنَا هَارُونُ بْنُ إِسْحَاقَ الْهَمْدَانِيُّ: حَدَّثَنَا عَبْدُهُ بْنُ سُلَيْمَانَ عَنْ هِشَامِ بْنِ عُزْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ عَاشُورَاءَ يَوْمًا تَصُومُهُ فُرَيْشٌ فِي الْجَاهِلِيَّةِ، وَكَانَ رَسُولُ اللَّهِ ﷺ يَصُومُهُ فَلَمَّا قَدِمَ الْمَدِينَةَ صَامَهُ وَأَمَرَ النَّاسَ بِصِيَامِهِ، فَلَمَّا افْتُرِضَ رَمَضَانُ كَانَ رَمَضَانُ هُوَ الْفَرِيضَةُ وَتُرِكَ عَاشُورَاءُ، فَمَنْ شَاءَ صَامَهُ وَمَنْ شَاءَ تَرَكَهُ.

وَفِي الْبَابِ عَنِ ابْنِ مَسْعُودٍ وَقَيْسِ بْنِ سَعْدٍ وَجَابِرِ بْنِ سَمُرَةَ وَابْنِ عُمَرَ وَمُعَاوِيَةَ.

Abū 'Eīsā said: The *Ḥadīth* of 'Āishah is acted upon according to the people of knowledge, and it is a *Ṣaḥīḥ Ḥadīth*. They do not consider fasting the Day of '*Āshūrā*' required except for the one who desires to fast it due to the virtues that have been mentioned about it.

قَالَ أَبُو عِيسَى: وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ، عَلَى حَدِيثِ عَائِشَةَ وَهُوَ حَدِيثٌ صَحِيحٌ، لَا يَرَوْنَ صِيَامَ يَوْمِ عَاشُورَاءَ وَاجِبًا إِلَّا مَنْ رَغِبَ فِي صِيَامِهِ لِمَا ذُكِرَ فِيهِ مِنَ الْفَضْلِ.

تخريج: متفق عليه، وأخرجه البخاري، الصوم، باب صوم يوم عاشوراء، ح: ٢٠٠٢ ومسلم، الصيام، باب صوم يوم عاشوراء، ح: ١١٢٥ من حديث هشام بن عروة به * وفي الباب عن ابن مسعود [البخاري، ح: ٤٥٠٣ ومسلم، ح: ١١٢٧] وقيس بن سعد [النسائي، ح: ٢٥٠٨] وجابر بن سمرة [مسلم، ح: ١١٢٨] وابن عمر [البخاري، ح: ٤٥٠١ ومسلم، ح: ١١٢٦] ومعاوية [البخاري، ح: ٢٠٠٣ ومسلم، ح: ١١٢٩].

Chapter 50. What Has Been Related About Which Day '*Āshūrā*' Is

(المعجم ٥٠) - بَابُ مَا جَاءَ فِي عَاشُورَاءَ أَيُّ يَوْمٍ هُوَ؟ (التحفة ٥٠)

754. Al-Ḥakam bin Al-A'rfaj said: "I met up with Ibn 'Abbās while he was reclining on his *Ridā'* at the Zamzam (well). So I said: 'Inform me about the Day of '*Āshūrā*', on which day is it fasted?' He said: 'When you see the crescent of Al-Muḥarram, then count, then fast on the morning of the ninth day.'" He said: 'I said: Is this how Muḥammad ﷺ fasted it?' He said: 'Yes.'" (*Ṣaḥīḥ*)

٧٥٤ - حَدَّثَنَا هَنَادٌ وَأَبُو كُرَيْبٍ قَالَا: حَدَّثَنَا وَكِيعٌ عَنْ حَاجِبِ بْنِ عُمَرَ، عَنِ الْحَكَمِ بْنِ الْأَعْرَجِ قَالَ: انْتَهَيْتُ إِلَى ابْنِ عَبَّاسٍ وَهُوَ مُتَوَسِّدٌ رِدَاءَهُ فِي زَمْرَمَ فَقُلْتُ: أَخْبِرْنِي عَنْ يَوْمِ عَاشُورَاءَ أَيُّ يَوْمٍ [هُوَ] أَصُومُهُ؟ فَقَالَ: إِذَا رَأَيْتَ هِلَالَ الْمُحَرَّمِ فَأَعْدُدْ ثُمَّ أَصْبِحْ مِنْ يَوْمِ التَّاسِعِ صَائِمًا، قَالَ: قُلْتُ: أَهَكَذَا كَانَ يَصُومُهُ مُحَمَّدٌ ﷺ؟ قَالَ: نَعَمْ.

تخريج: وأخرجه مسلم، الصيام، باب أي يوم يصام في عاشوراء؟، ح: ١١٣٣ من حديث وكيع به.

755. Ibn 'Abbās narrated: "The Messenger of Allāh ﷺ ordered fasting the tenth day for the Day of '*Āshūrā*'." (*Da'īf*)

٧٥٥ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْوَارِثِ عَنْ يُونُسَ، عَنِ الْحَسَنِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: أَمَرَ رَسُولُ اللَّهِ ﷺ بِصَوْمِ عَاشُورَاءَ يَوْمَ الْعَاشِرِ.

Abū 'Eīsā said: The *Ḥadīth* of Ibn 'Abbās is a *Ḥasan Ṣaḥīḥ Ḥadīth*. The

people of knowledge differ over the Day of 'Āshūrā', some of them said it is the ninth day, some of them said it is the tenth day. It has been reported that Ibn 'Abbās said: "Fast the ninth and the tenth, and differ from the Jews."

Ash-Shāfi'i, Aḥmad and Ishāq followed this *Ḥadīth*.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَقَدْ اخْتَلَفَ أَهْلُ الْعِلْمِ فِي يَوْمٍ عَاشُورَاءَ، فَقَالَ بَعْضُهُمْ: يَوْمُ التَّاسِعِ، وَقَالَ بَعْضُهُمْ: يَوْمُ الْعَاشِرِ. وَرَوَى عَنْ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ: صُومُوا التَّاسِعَ وَالْعَاشِرَ وَخَالَفُوا الْيَهُودَ.

وَبِهَذَا الْحَدِيثِ يَقُولُ الشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ.

تخريج: [إسناده ضعيف] * أحمد: ٢٩١/١، ٣١٠ والحسن البصري عنن.

Comments:

This *Ḥadīth* gives two possible meanings:

1. Next year we shall fast the 9th of Muharram instead 10th.
2. We shall fast 10th of Muḥarram along with the 9th of Muḥarram as well in the following year in order to make a distinction and difference between our practice and that of Jews and the resemblance will get eliminated. The second meaning gets precedence due to a narration of Musnad Aḥmad.

Chapter 51. What Has Been Related About Fasting The Ten (Days Of *Dhul-Hijjah*)

756. 'Āishah narrated: "I did not see the Prophet ﷺ fasting at all during the ten." (*Ṣaḥīḥ*)

Abū 'Eīsā said: This is how it was reported by more than one from Al-A'mash, from Ibrāhīm, from Al-Aswād, from 'Āishah. Ath-Thawrī and others narrated this *Ḥadīth* from Maṣūrah, from Ibrāhīm: "That the Prophet ﷺ was not seen fasting during the ten." Abū Al-Aḥwās reported it from Maṣūrah, from Ibrāhīm, from 'Āishah, and he did not mention Al-Aswād in it. So they disagree with Maṣūrah in this

(المعجم ٥١) - بَابُ مَا جَاءَ فِي صِيَامِ الْعَشْرِ (التحفة ٥١)

٧٥٦ - حَدَّثَنَا هَذَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: مَا رَأَيْتُ النَّبِيَّ ﷺ صَائِمًا فِي الْعَشْرِ قَطُّ.

قَالَ أَبُو عِيسَى: هَكَذَا رَوَى غَيْرُ وَاحِدٍ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ. وَرَوَى الثَّوْرِيُّ وَغَيْرُهُ هَذَا الْحَدِيثَ عَنْ مَاصُورٍ، عَنْ إِبْرَاهِيمَ: أَنَّ النَّبِيَّ ﷺ لَمْ يَرِ صَائِمًا فِي الْعَشْرِ.

وَرَوَى أَبُو الْأَحْوَصِ عَنْ مَاصُورٍ، عَنْ

Hadīth, and the narration of Al-A'mash is more correct and has a more connected chain.

He said: I heard Abū Bakr Muḥammad bin Abān saying: "I heard Wakī' saying: 'Al-A'mash has preserved the chain of Ibrāhīm better than Mansūr.'"

إِبْرَاهِيمَ، عَنْ عَائِشَةَ وَلَمْ يَذْكُرْ فِيهِ عَنِ
الْأَسْوَدِ، وَقَدْ اخْتَلَفُوا عَلَى مَنْصُورٍ فِي [هَذَا]
الْحَدِيثِ، وَرِوَايَةُ الْأَعْمَشِ أَصَحُّ وَأَوْصَلُ
إِسْنَادًا. قَالَ: سَمِعْتُ أَبَا بَكْرٍ مُحَمَّدَ بْنَ أَبَانَ
يَقُولُ: سَمِعْتُ وَكَيْعًا يَقُولُ: الْأَعْمَشُ أَحْفَظُ
لِإِسْنَادِ إِبْرَاهِيمَ مِنْ مَنْصُورٍ.

تخريج: وأخرجه مسلم، الاعتكاف، باب صوم عشر ذي الحجة، ح: ٩/١١٧٦ من حديث
أبي معاوية الضرير به * أثر وكيع في الأعمش، سنده صحيح.

Comments:

'Ashr means first ten days of Dhul-Hijjah, but fasting can be observed for the first nine days only, it is impermissible to fast on the 10th of Dhul-Hijjah; and the 9th of Dhul-Hijjah is the Day of 'Arafah, the Prophet ﷺ has stated the virtues of fasting this day.

Chapter 52. What Has Been Related About Deeds During The Ten Days (Of Dhul-Hijjah)

(المعجم ٥٢) - بَابُ مَا جَاءَ فِي الْعَمَلِ
فِي أَيَّامِ الْعَشْرِ (التحفة ٥٢)

757. Ibn 'Abbās narrated that the Messenger of Allāh ﷺ said: "There are no days in which righteous deeds are more beloved to Allāh than these ten days." They said: "O Messenger of Allāh! Not even *Jihād* in Allāh's Cause?" The Messenger of Allāh ﷺ said: "Not even *Jihād* in Allāh's Cause, unless a man were to go out with his self and his wealth and not return from that with anything." (*Ṣaḥīh*)

There are narrations on this topic from Ibn 'Umar, Abū Hurairah, 'Abdullāh bin 'Amr, and Jābir.

Abū 'Eīsā said: The *Hadīth* of Ibn 'Abbās is a *Ḥasan Gharīb Ṣaḥīh Hadīth*.

٧٥٧ - حَدَّثَنَا هَذَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ
الْأَعْمَشِ، عَنْ مُسْلِمٍ وَهُوَ ابْنُ أَبِي عِمْرَانَ
الْبَطِينِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ
قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا مِنْ أَيَّامٍ الْعَمَلُ
الصَّالِحُ فِيهِنَّ أَحَبُّ إِلَى اللَّهِ مِنْ هَذِهِ الْأَيَّامِ
الْعَشْرِ»، فَقَالُوا يَا رَسُولَ اللَّهِ: وَلَا الْجِهَادُ فِي
سَبِيلِ اللَّهِ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «وَلَا الْجِهَادُ
فِي سَبِيلِ اللَّهِ، إِلَّا رَجُلٌ خَرَجَ بِنَفْسِهِ وَمَالِهِ،
فَلَمْ يَرْجِعْ مِنْ ذَلِكَ بِشَيْءٍ».

وفي الباب عن ابن عمر وأبي هريرة
وعبد الله بن عمرو وجابر.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ
حَسَنٌ غَرِيبٌ صَحِيحٌ.

تخريج: [صحيح] وأخرجه ابن ماجه، الصيام، باب صيام العشر، ح: ١٧٢٧ من حديث أبي معاوية الضرير، والبخاري، العيدين، باب فضل العمل في أيام التشريق، ح: ٩٦٩ من حديث الأعمش به باختلاف يسير * وفي الباب عن ابن عمر [أحمد: ٧٥/٢، ١٣١، ١٣٢] وأبي هريرة [يأتي: ٧٥٨] وعبدالله بن عمرو [أحمد: ١٦٧/٢، ٢٢٣] وجابر [ابن حبان، ح: ١٠٠٦، ١٠٤٥] أبو معاوية تابعه شعبة.

Comments:

This *Hadith* proves that the first ten days of *Dhul-Hijjah* are the most virtuous days among the first ten days of the months of the year, the significance and the value of good deeds, performed during these days, is more comparing to rest of the days.

758. Abū Hurairah narrated that the Prophet ﷺ said: "There are no days more beloved to Allāh than the ten of *Dhul-Hijjah*, fasting every day of them is the equivalent of fasting a year, and standing every night of them (in prayer) is the equivalent of standing on the Night of *Qadr*." (*Da'if*)

Abū 'Eīsā said: This *Hadith* is *Gharib*, we do not know of it except as a narration of Ma'sūd bin Wāsil from An-Nahhās. (He said:) I asked Muḥammad about this *Hadith* and he did not know of its like from other than this route. He said: Something about this has been reported from Qatādah, from Sa'eed bin Al-Musayyab, from the Prophet ﷺ in *Mursal* form. (Yahya bin Sa'eed has criticized Nahhās bin Qahm due to his weak memory.)

٧٥٨ - حَدَّثَنَا أَبُو بَكْرِ بْنُ نَافِعٍ الْبَصْرِيُّ: حَدَّثَنَا مَسْعُودُ بْنُ وَاصِلٍ عَنْ نَهَّاسِ بْنِ قَهْمٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَا مِنْ أَيَّامٍ أَحَبَّ إِلَى اللَّهِ أَنْ يُعْبَدَ لَهُ فِيهَا مِنْ عَشْرِ ذِي الْحِجَّةِ، يَغْدُلُ صِيَامُ كُلِّ يَوْمٍ مِنْهَا بِصِيَامِ سَنَةٍ وَقِيَامُ كُلِّ لَيْلَةٍ مِنْهَا بِقِيَامِ لَيْلَةِ الْقَدْرِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ مَسْعُودِ بْنِ وَاصِلٍ عَنِ النَّهَّاسِ. [قَالَ:] وَسَأَلْتُ مُحَمَّدًا عَنْ هَذَا الْحَدِيثِ فَلَمْ يَعْرِفْهُ مِنْ غَيْرِ هَذَا الْوَجْهِ مِثْلَ هَذَا. وَقَالَ: قَدْ رَوَى عَنْ قَتَادَةَ، عَنْ سَعِيدِ ابْنِ الْمُسَيَّبِ عَنِ النَّبِيِّ ﷺ مُرْسَلٌ، شَيْءٌ مِنْ هَذَا [وَقَدْ تَكَلَّمَ يَحْيَى بْنُ سَعِيدٍ فِي نَهَّاسِ بْنِ قَهْمٍ، مِنْ قَبْلِ حِفْظِهِ].

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، الصيام، باب صيام العشر، ح: ١٧٢٨ من حديث مسعود بن واصل به، نهاس: ضعيف كما في التقريب وغيره.

Comments:

The virtues of the first ten days of *Dhul-Hijjah* are proven by the agreed narration, but the specification that fasting of one day is equal to the fasts of the whole year and the voluntary prayer at night (in the first ten nights of *Dhul-Hijjah*) is equal to that of the Night of Power – no authentic *Hadith* proves this, and as for this *Hadith* it is Weak.

Chapter 53. What Has Been Related About Fasting The Six Days Of Shawwāl

759. Abū Ayyūb narrated that the Messenger of Allāh ﷺ said: “Whoever fasts Ramaḍān, then follows it with six from Shawwāl, then that is (equal in reward) to fasting every day.” (*Ṣaḥīh*)

There are narrations on this topic from Jābir, Abū Hurairah, and Thawbān.

Abū ‘Eisā said: The *Hadīth* of Abū Ayyūb is a *Ḥasan Ṣaḥīh Hadīth*. There are those people who consider fasting six (days) of Shawwāl recommended due to this *Hadīth*.

Ibn Al-Mubārak said it is good to do, just like fasting three days of every month. Ibn Al-Mubārak said that it has been reported in some of the *Aḥādīth*: “This fast is connected to Ramaḍān.” Ibn Al-Mubārak preferred that these six days be at the beginning of the month, and it has been reported that Ibn Al-Mubārak said that if one fasted six separate days of Shawwāl then it is acceptable.

Abū ‘Eisā said: (Two other chains from Sa’d bin Sa’eed for this *Hadīth*) and Sa’d bin Sa’eed is the brother of Yaḥya bin Sa’eed Al-Anṣārī. Sa’d bin Sa’eed has been criticized by some of the people of *Hadīth* due to his memory.

(Another chain) that when fasting the six days of Shawwāl was mentioned before Al-Ḥasan Al-Baṣrī, he would say: “By Allāh!

(المعجم ٥٣) - بَابُ مَا جَاءَ فِي صِيَامِ سِتَّةِ أَيَّامٍ مِنْ شَوَّالٍ (التحفة ٥٣)

٧٥٩ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا سَعْدُ بْنُ سَعِيدٍ عَنْ عُمَرَ بْنِ ثَابِتٍ، عَنْ أَبِي أَيُّوبَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ صَامَ رَمَضَانَ ثُمَّ أَتْبَعَهُ سِتًّا مِنْ شَوَّالٍ فَلَيْكَ صِيَامُ الدَّهْرِ».

وفي الباب عَنْ جَابِرٍ وَأَبِي هُرَيْرَةَ وَثَوْبَانَ. قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي أَيُّوبَ حَدِيثٌ حَسَنٌ صَحِيحٌ وَقَدْ اسْتَحَبَّ قَوْمٌ صِيَامَ سِتَّةِ [أَيَّامٍ] مِنْ شَوَّالٍ بِهَذَا الْحَدِيثِ.

وَقَالَ ابْنُ الْمُبَارَكِ هُوَ حَسَنٌ مِثْلُ صِيَامِ ثَلَاثَةِ أَيَّامٍ مِنْ كُلِّ شَهْرٍ. قَالَ ابْنُ الْمُبَارَكِ: وَيُرْوَى فِي بَعْضِ الْحَدِيثِ: وَتُلْحَقُ هَذَا الصِّيَامُ بِرَمَضَانَ وَاخْتَارَ ابْنُ الْمُبَارَكِ أَنْ يَكُونَ سِتَّةَ أَيَّامٍ فِي أَوَّلِ الشَّهْرِ وَقَدْ رُوِيَ عَنِ ابْنِ الْمُبَارَكِ أَنَّهُ قَالَ: إِنْ صَامَ سِتَّةَ أَيَّامٍ مِنْ شَوَّالٍ مُتَفَرِّقًا فَهُوَ جَائِزٌ.

قَالَ أَبُو عِيسَى: وَقَدْ رَوَى عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ صَفْوَانَ بْنِ سُلَيْمٍ وَسَعْدُ بْنُ سَعِيدٍ هَذَا الْحَدِيثَ عَنْ عُمَرَ بْنِ ثَابِتٍ، عَنْ أَبِي أَيُّوبَ عَنِ النَّبِيِّ ﷺ هَذَا. وَرَوَى شُعْبَةُ عَنْ وَرْقَاءَ بْنِ عُمَرَ، عَنْ سَعْدِ بْنِ سَعِيدٍ هَذَا الْحَدِيثَ. وَسَعْدُ بْنُ سَعِيدٍ هُوَ أَخُو يَحْيَى بْنِ سَعِيدِ الْأَنْصَارِيِّ، وَقَدْ تَكَلَّمَ بَعْضُ أَهْلِ الْحَدِيثِ فِي سَعْدِ بْنِ سَعِيدٍ مِنْ قِبَلِ حِفْظِهِ.

Allāh is more pleased with fasting this month, than the entire year.”

[حَدَّثَنَا هَذَا قَالَ: أَخْبَرَنَا الْحُسَيْنُ بْنُ عَلِيٍّ الْجُعْفِيُّ عَنْ إِسْرَائِيلَ أَبِي مُوسَى عَنِ الْحَسَنِ الْبَصْرِيِّ قَالَ: كَانَ إِذَا ذُكِرَ عِنْدَهُ صِيَامُ سِتَّةِ أَيَّامٍ مِنْ شَوَّالٍ فَيَقُولُ: وَاللَّهِ لَقَدْ رَضِيَ اللَّهُ بِصِيَامِ هَذَا الشَّهْرِ، عَنِ السَّنَةِ كُلِّهَا].

تخريج: وأخرجه مسلم، الصيام، باب استحباب صوم ستة أيام من شوال اتباعاً لرمضان، ح: ١١٦٤ من حديث سعد بن سعيد به * وفي الباب عن جابر [أحمد: ٣/٣٠٨، ٣٢٤، ٣٤٤] وأبي هريرة [البزار (كشف): ١/٤٩٥، ٤٩٦، ح: ١٠٦٠] وثوبان [ابن ماجه، ح: ١٧١٥] * أثر الحسن البصري، سنده صحيح.

Comments:

The month of Ramaḍān even though is sometimes of twenty-nine days, yet Allāh, by His Grace and Kindness, declared it equal to the month of thirty days, and in the case of fasting six days of Shawwāl it makes the number thirty-six; and a Kind Rule of Allāh is that the reward of every good deed is ten fold, so according to this rule thirty-six multiplied by ten make three hundred and sixty, and the total days of the lunar year are less than that.

Chapter 54. What Has Been Related About Fasting Three (Days) Of Every Month

(المعجم ٥٤) - بَابُ مَا جَاءَ فِي صَوْمِ ثَلَاثَةِ [أَيَّامٍ] مِنْ كُلِّ شَهْرٍ (التحفة ٥٤)

760. Abū Hurairah narrated: “The Messenger of Allāh ﷺ took a covenant from me for three: To not sleep except after performing *Witr*, to fast three days of every month, and to perform the *Duḥa* prayer.” (Hasan)

٧٦٠ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ أَبِي الرَّبِيعِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: عَهَدَ إِلَيَّ رَسُولُ اللَّهِ ﷺ ثَلَاثَةً: أَنْ لَا أَتَنَامَ إِلَّا عَلَى وِتْرِ، وَصَوْمَ ثَلَاثَةِ أَيَّامٍ مِنْ كُلِّ شَهْرٍ وَأَنْ أُصَلِّيَ الضُّحَى.

تخريج: [إسناده حسن لذاته] وأخرجه أحمد: ٢/٢٧٧، من حديث سماك به * أبو الربيع المدني حسن الحديث على الراجح ولحديثه شواهد.

Comments:

This is the truth; if these three days mean ‘the days of the full moon’, they are then 13th, 14th and 15th day of every lunar month, as Imām Al-Bukhārī titled a chapter ‘fasting of the days of the full moon are 13th, 14th and 15th’.

761. Abū Dharr narrated that the Messenger of Allāh ﷺ said: “O Abū Dharr! When you fast three days out

٧٦١ - حَدَّثَنَا مَحْمُودُ بْنُ غِيلَانَ: حَدَّثَنَا أَبُو دَاوُدَ قَالَ: أَنْبَأَنَا شُعْبَةُ عَنِ الْأَعْمَشِ

of a month, then fast the thirteenth, fourteenth, and fifteenth.” (*Hasan*)

There are narrations on this topic from Abū Qatādah, ‘Abdullāh bin ‘Amr, Qurrah bin Iyās Al-Muzanī, ‘Abdullāh bin Mas‘ūd, Abū ‘Aqrab, Ibn ‘Abbās, ‘Āishah, Qatādah bin Milhān, ‘Uthmān bin Abī Al-‘Āṣ, and Jarīr.

It has been reported in some *Ahādīth* that whoever fasts three days of every month, then it is as if he has fasted every day.

قَالَ: سَمِعْتُ يَحْيَى بْنَ [سَام] يُحَدِّثُ عَنْ مُوسَى بْنِ طَلْحَةَ قَالَ سَمِعْتُ أَبَا ذَرٍّ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «يَا أَبَا ذَرٍّ إِذَا صُمْتَ مِنَ الشَّهْرِ ثَلَاثَةَ أَيَّامٍ فَصُمْ ثَلَاثَ عَشْرَةٍ وَأَرْبَعَ عَشْرَةَ وَخَمْسَ عَشْرَةٍ».

وفي البابِ عَنْ أَبِي قَتَادَةَ وَعَبْدِ اللَّهِ بْنِ عَمْرٍو وَقُرَّةُ بْنُ إِبْرَاهِيمَ الْمُزَنِيِّ وَعَبْدِ اللَّهِ بْنِ مَسْعُودٍ وَأَبِي عَقْرَبٍ وَابْنِ عَبَّاسٍ وَعَائِشَةُ وَقَتَادَةُ بْنُ مِلْحَانَ وَعُثْمَانُ بْنُ أَبِي الْعَاصِ وَجَرِيرٌ.

قَالَ أَبُو عِيْسَى: حَدِيثُ أَبِي ذَرٍّ حَدِيثٌ حَسَنٌ. وَقَدْ رَوَى فِي بَعْضِ الْحَدِيثِ أَنَّ مَنْ صَامَ ثَلَاثَةَ أَيَّامٍ مِنْ كُلِّ شَهْرٍ كَانَ كَمَنْ صَامَ الدَّهْرَ.

تخريج: [إسناده حسن] وأخرجه النسائي: ٢٢٢/٤، ح: ٢٤٢٥ (الصيام، ذكر الاختلاف على موسى بن طلحة في الخبر... إلخ) من حديث شعبة به وهو في مسند الطيالسي، ح: ٤٧٥ وصححه ابن خزيمة: ٣/٣٠٢، ٣٠٣، ح: ٢١٢٨ وابن حبان، ح: ٩٤٣، ٩٤٤ * وفي الباب عن أبي قتادة [مسلم، ح: ١١٦٢] وعبدالله بن عمرو [البخاري، ح: ١١٣١ ومسلم: ١١٥٩] وقرة بن إياس المزني [أحمد: ٣/٤٣٥، ٤٣٦] وعبدالله بن مسعود [تقدم: ٧٤٢] وأبي عقرب [النسائي، ح: ٤٣٥ وأحمد: ٤٤٧] وابن عباس [النسائي، ح: ٢٣٤٧] وعائشة [يأتي: ٧٦٣] وقَتَادَةُ بْنُ مِلْحَانَ [أبو داود، ح: ٢٤٤٩ وابن ماجه، ح: ١٧٠٧] وعثمان بن أبي العاص [النسائي، ح: ٢٤١٣] وجرير [النسائي، ح: ٢٤٢٢].

762. Abū Dharr narrated: “The Messenger of Allāh ﷺ said: ‘Whoever fasts three days in every month, then that is (similar to) fasting every day.’ Then Allāh Mighty and Sublime is He, attested to that in His Book, by revealing: Whoever brings a good deed, shall have ten times the like thereof.^[1] So a day is like ten.” (*Da‘īf*)

٧٦٢ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ عَاصِمِ الْأَحْوَلِ، عَنْ أَبِي عُثْمَانَ [النَّهْدِيِّ]، عَنْ أَبِي ذَرٍّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ صَامَ مِنْ كُلِّ شَهْرٍ ثَلَاثَةَ أَيَّامٍ فَذَلِكَ صِيَامُ الدَّهْرِ» فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ تَصْدِيقَ ذَلِكَ فِي كِتَابِهِ ﴿مَنْ جَاءَ بِالْحَسَنَةِ فَلَهُ عَشْرُ

^[1] *Al-An‘ām* 6:160.

Abū 'Eisā said: This *Hadīth* is *Hasan (Ṣaḥīḥ)*

Abū 'Eisā said: *Shu'bah* has reported this *Hadīth* from Abū *Shimr* and Abū *At-Tayyāh*, from Abū 'Uthmān, from Abū *Hurairah*, from the Prophet ﷺ.

أَنْتَالِهَاهُ ﴿[الأنعام: ١٦٠] الْيَوْمَ بَعْشَرَةَ أَيَّامٍ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ [صَحِيحٌ].

قَالَ أَبُو عِيسَى: وَقَدْ رَوَى شُعْبَةُ هَذَا الْحَدِيثَ عَنْ أَبِي شِمْرٍ وَأَبِي التَّيَّاحِ، عَنْ أَبِي عُثْمَانَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ.

تخریج: [إسناده ضعيف] وأخرجه ابن ماجه، الصيام، باب ماجاء في صيام ثلاثة أيام من كل شهر، ح: ١٧٠٨ من حديث أبي معاوية الضرير به وأبو عثمان سمعه من رجل مجهول عن أبي ذر به.

763. Yazīd Ar-Rishk said: "I heard Mu'ādhah saying to 'Āishah: 'Did the Messenger of Allāh ﷺ fast three days of every month?' She replied in the affirmative. So she said: 'Which of them would he fast?' She said: 'Which of them he would fast was not noticeable.'" (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Hadīth* is *Hasan Ṣaḥīḥ*. He said: Yazīd bin Ar-Rishk is Yazīd bin Aḍ-Ḍubā'i, and he is Yazīd bin Al-Qāsim who is, Al-Qassām, Ar-Rishk means Al-Qassām (beauty) in the language of the people of Al-Baṣrah.

٧٦٣ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ: حَدَّثَنَا شُعْبَةُ عَنْ يَزِيدَ الرَّشَكِ قَالَ: سَمِعْتُ مُعَاذَةَ قَالَتْ: قُلْتُ لِعَائِشَةَ: أَكَانَ رَسُولُ اللَّهِ ﷺ يَصُومُ ثَلَاثَةَ أَيَّامٍ مِنْ كُلِّ شَهْرٍ؟ قَالَتْ: نَعَمْ، قُلْتُ: مِنْ أَيِّهِ كَانَ يَصُومُ؟ قَالَتْ: كَانَ لَا يُبَالِي مِنْ أَيِّهِ صَامَ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ قَالَ: وَيَزِيدُ الرَّشَكُ هُوَ يَزِيدُ الضُّبَعِيُّ وَهُوَ يَزِيدُ بْنُ الْقَاسِمِ وَهُوَ الْقَسَّامُ، وَالرَّشَكُ هُوَ الْقَسَّامُ فِي لُغَةِ أَهْلِ الْبَصْرَةِ.

تخریج: وأخرجه مسلم، الصيام، باب استحباب صيام ثلاثة أيام من كل شهر ... إلخ، ح: ١١٦٠ من حديث يزيد الرشك به وهو في مسند أبي داود الطيالسي، ح: ١٥٧٢.

Chapter 55. What Has Been Related About The Virtues Of Fasting

764. Abū *Hurairah* narrated that the Messenger of Allāh ﷺ said: "Indeed your Lord said: 'Every good deed is rewarded with ten of the same up to seven hundred times over. Fasting is for Me, and I

(المعجم ٥٥) - بَابُ مَا جَاءَ فِي فَضْلِ

الصَّوْمِ (التحفة ٥٥)

٧٦٤ - حَدَّثَنَا عِمْرَانُ بْنُ مُوسَى الْقَرَارِيُّ الْبَصْرِيُّ: حَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ سَعِيدٍ: حَدَّثَنَا عَلِيُّ بْنُ زَيْدٍ عَنْ سَعِيدِ بْنِ الْمُسَبِّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ رَبَّكُمْ

shall reward for it.' Fasting is a shield from the Fire. The smell coming from the mouth of one fasting is more pleasant to Allāh than the scent of musk. If one of you is abused by an ignorant person while fasting, then let him say: 'Indeed I am fasting.' (*Ṣaḥīḥ*)

There are narrations on this topic from Mu'ādh bin Jabal, Sahl bin [Sa'd], Ka'b bin 'Ujrah, Salāmah bin Qaiṣar, Bashīr bin Al-Khaṣāṣiyyah, and Bashīr's name is Zaḥm bin Ma'bad, and Al-Khaṣāṣiyyah is his mother.

Abū 'Eisā said: The *Ḥadīth* of Abū Hurairah is *Ḥasan Gharīb* from this route.

يَقُولُ: كُلُّ حَسَنَةٍ بِعَشْرِ أَثْمَالِهَا إِلَى سَبْعِمِائَةٍ ضِعْفٍ وَالصَّوْمُ لِي وَأَنَا أَجْزِي بِهِ الصَّوْمُ جُنَّةً مِنَ النَّارِ، وَلَخُلُوفُ فَمِ الصَّائِمِ أَطْيَبُ عِنْدَ اللَّهِ مِنْ رِيحِ الْمُسْكِ وَإِنْ جَهِلَ عَلَى أَحَدِكُمْ جَاهِلٌ وَهُوَ صَائِمٌ فَلْيَقُلْ إِنِّي صَائِمٌ.

وَفِي الْبَابِ عَنْ مُعَاذِ بْنِ جَبَلٍ وَسَهْلِ بْنِ [سَعْدٍ] وَكَعْبِ بْنِ عُجْرَةَ وَسَلَامَةَ بْنِ قَيْصَرَ وَبَشِيرِ بْنِ الْخَصَاصِيَّةِ. وَاسْمُ بَشِيرِ رَحْمُ بْنُ مَعْبِدٍ، وَالْخَصَاصِيَّةُ هِيَ أُمُّهُ.

قَالَ أَبُو عِيسَى: وَحَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ.

تخريج: [صحيح] وأخرجه أحمد: ٤١٤/٢ من حديث عبدالوارث بن سعيد به وأصله متفق عليه البخاري، ح: ٥٩٢٧، مسلم، ح: ١٦٣/١١٥١، ١٦٤، وللحديث شواهد * وفي الباب عن معاذ ابن جبل [يأتي: ٢٦١٦] وسهل بن سعد [يأتي: ٧٦٥] وكعب بن عجرة [البخاري في التاريخ الكبير: ٢٢٠/٧] والحاكم: ١٥٣/٤ وسلامة بن قيسر [الطبراني في الكبير: ٥٦/٧، ح: ٦٣٦٥] وبشير ابن الخصاصية [الطبراني في الكبير: ٤٥/٢، ح: ١٢٣٥].

Comments:

If someone incites a fasting person or ignites his sentiments and he wants the fasting person to do something against the *Sharī'ah*, then:

- The fasting person should say to him I am fasting, so I cannot do any act of ignorance like you;
- Or the fasting person should remind himself that he is not going to spoil his fast by answering the ignorant with ignorance;
- Or he should say this with both with the tongue and in his heart, or he should say it with the tongue if the fasting is obligatory and in his heart in case of voluntary fast; the truth is that according to the circumstances he should adopt such a way that he keeps himself away from indulging into the row of incitements and sentiments.

765. Sahl bin Sa'd narrated that the Prophet ﷺ said: "There is a gate in Paradise called *Ar-Raiyyān*, those who fast shall be invited into it, and whoever was among those

٧٦٥ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبُو

عَامِرٍ الْعَقَدِيُّ عَنْ هِشَامِ بْنِ سَعْدٍ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ، عَنْ النَّبِيِّ ﷺ قَالَ: «إِنَّ فِي الْجَنَّةِ بَابًا يُدْعَى الرَّيَّانُ يُدْعَى

who fasted, then he will enter it; and whoever enters it, he will never thirst again.” (*Hasan*)

لَهُ الصَّائِمُونَ فَمَنْ كَانَ مِنَ الصَّائِمِينَ دَخَلَهُ، وَمَنْ دَخَلَهُ لَمْ يَظْمَأْ أَبَدًا.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، الصيام، باب ماجاء في فضل الصيام، ح: ١٦٤٠ من حديث هشام بن سعد به وأصله متفق عليه، البخاري، ح: ١٨٩٦ ومسلم، ح: ١١٥٢.

Comments:

The pang which is felt and experienced most in state of fasting is thirst, therefore the reward and fruit of fasting will be bestowed in such a way that the most unique and distinctive aspect of it will be the drinks and to be well-watered.

766. Abū Hurairah narrated that the Messenger of Allāh said: “There are two joys for the fasting person: the joy when he breaks his fast, and the joy of when he meets his Lord.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: this *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

٧٦٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ سَهْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لِلصَّائِمِ فَرْحَتَانِ فَرْحَةٌ حِينَ يُفْطِرُ وَفَرْحَةٌ حِينَ يَلْقَى رَبَّهُ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: [إسناده صحيح] وأخرجه أحمد: ٤١٩/٢ عن قتيبة به وأصله متفق عليه، البخاري، ح: ١٩٠٤ ومسلم، ح: ١٦٤/١١٥١.

Comments:

A believing servant of Allāh, when he fulfills his duty towards Allāh, he is pleased and delighted that Allāh granted him the ability to fulfill his obligation; and he will be pleased for the second time when he will have enormous and inestimable reward and recompense on the Last Day.

Chapter 56. What Has Been Related About Fasting Daily (*Ad-Dahr*)

(المعجم ٥٦) - بَابُ مَا جَاءَ فِي صَوْمِ الدَّهْرِ (التحفة ٥٦)

767. Abū Qatādah said: “It was said: ‘O Messenger of Allāh! What is the case of the one who fasts daily?’ He said: ‘He did not fast nor break (the fast).’” Or, he said:

٧٦٧ - حَدَّثَنَا قُتَيْبَةُ وَأَحْمَدُ بْنُ عُبَيْدَةَ الضَّبِّيُّ قَالَا: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ غِيلَانَ ابْنِ جَرِيرٍ، عَنْ عَبْدِ اللَّهِ بْنِ مَعْبُدٍ، عَنْ أَبِي

“He never fasted nor broke (his fast).” (*Ṣaḥīḥ*)

There are narrations on this topic from ‘Abdullāh bin ‘Amr, ‘Abdullāh bin Ash-Shikh-khīr, ‘Imrān bin Huṣain, and Abū Mūsā.

Abū ‘Eisā said: The *Ḥadīth* of Abū Qatādah is a *Ḥasan Ḥadīth*.

There are those among the people of knowledge who disliked fasting daily (and there are those others who permitted it). They said fasting daily is only disliked when he does not abstain from fasting on the Day of *Fitr*, the Day of *Adhā*, and the Days of *Tashrīq*. So whoever abstains from fasting on these days then he has stayed away from the limit of what is disliked and he has not fasted every day. This was reported from Mālik bin Anas, and it is the view of Ash-Shāfi‘ī. Aḥmad and Ishāq said similar, saying that it is not required for one to abstain from fasting except for these five days which were prohibited by the Messenger of Allāh ﷺ: the Day of *Fitr*, the Day of *Adhā*, and the Days of *Tashrīq*.

قَتَادَةُ قَالَ: قِيلَ يَارَسُولَ اللَّهِ؛ كَيْفَ يَمَنُ صَامَ الدَّهْرَ

قَالَ: «لَا صَامَ وَلَا أَفْطَرَ» أَوْ «لَمْ يَصُمْ وَلَمْ يُفْطِرْ».

وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو وَعَبْدِ اللَّهِ بْنِ الشَّخِيرِ وَعِمْرَانَ بْنِ حُصَيْنٍ وَأَبِي مُوسَى. قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي قَتَادَةَ حَدِيثٌ حَسَنٌ.

وَقَدْ كَرِهَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ صِيَامَ الدَّهْرِ، [وَأَجَازَهُ قَوْمٌ آخَرُونَ]، وَقَالُوا: إِنَّمَا يَكُونُ صِيَامُ الدَّهْرِ إِذَا لَمْ يُفْطِرْ يَوْمَ الْفِطْرِ وَيَوْمَ الْأَضْحَى وَأَيَّامَ التَّشْرِيقِ فَمَنْ أَفْطَرَ فِي هَذِهِ الْأَيَّامِ فَقَدْ خَرَجَ مِنْ حَدِّ الْكَرَاهِيَةِ وَلَا يَكُونُ قَدْ صَامَ الدَّهْرَ كُلَّهُ. هَكَذَا رَوَى عَنْ مَالِكِ ابْنِ أَنَسٍ وَهُوَ قَوْلُ الشَّافِعِيِّ وَقَالَ أَحْمَدُ وَإِسْحَاقُ نَحْوًا مِنْ هَذَا وَقَالَا: لَا يَجِبُ أَنْ يُفْطِرَ [أَيَّامًا] غَيْرَ هَذِهِ الْخَمْسَةِ الْأَيَّامِ الَّتِي نَهَى عَنْهَا رَسُولُ اللَّهِ ﷺ يَوْمَ الْفِطْرِ وَيَوْمَ الْأَضْحَى وَأَيَّامَ التَّشْرِيقِ.

تخريج: وأخرجه مسلم، الصيام، باب استحباب صيام ثلاثة أيام من كل شهر ... إلخ، ح: ١١٦٢ عن قتيبة بن سعيد به * وفي الباب عن عبدالله بن عمرو [البخاري، ح: ١١٣١] ومسلم، ح: ١١٥٩ [عبدالله بن الشخير [ابن ماجه، ح: ١٧٠٥] وعمران بن حصين [النسائي، ح: ٢٣٨١] وأبي موسى [أحمد: ٤/٤١٤ وابن خزيمة، ح: ٢١٥٤].

Chapter 57. What Has Been Related About Fasting Consecutive Days

767. ‘Abdullāh bin Shaqīq narrated: “I asked ‘Āishah about the Prophet’s ﷺ fasting.’ She said: ‘He would fast

(المعجم ٥٧) - بَابُ مَا جَاءَ فِي سَرَدِ

الصَّوْمِ (التحفة ٥٧)

٧٦٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ

عَنْ أُتَيْبٍ، عَنْ عَبْدِ اللَّهِ بْنِ شَقِيقٍ قَالَ:

until we said: "He has fasted"^[1] and he would abstain from fasting until we said: "He has abstained from fasting." (She said:) "The Messenger of Allāh ﷺ did not fast an entire month except for Ramaḍān."
(*Ṣaḥīḥ*)

There are narrations on this topic from Anas and Ibn 'Abbās.

Abū 'Eisā said: The *Ḥadīth* of 'Ā'ishah is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

تخريج: وأخرجه مسلم، الصيام، باب صيام النبي ﷺ في غير رمضان ... إلخ، ح: ١٧٤/١١٥٦ ومن حديث حماد بن زيد به * وفي الباب عن أنس [يأتي: ٧٦٩] وابن عباس [البخاري، ح: ١٩٧١ ومسلم، ح: ١١٥٧ والترمذي في الشمائل، ح: ٩٩].

769. Ja'far bin Humaid narrated that Anas bin Mālik was asked about the Prophet's ﷺ fasting and he said: "He would fast during a month until we thought that he did not want to abstain from fasting during any of it. And, he would not fast during a month until we thought that he did not want to fast during any of it. (There was no time) that I wanted to see if he was performing *Ṣalāt* during the night, except that I would see him praying, nor to see him sleeping, except that I would see him sleeping." (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

تخريج: وأخرجه البخاري، الصوم، باب ما يذكر من صوم النبي ﷺ وإفطاره، ح: ١٩٧٢ من حديث حميد الطويل به.

Comments:

The Messenger of Allāh ﷺ did not follow a regular and routine procedure for observing voluntary fasts; sometimes he ﷺ would fast regularly every day without a break and sometimes he would abandon fasting for many

سَأَلْتُ عَائِشَةَ عَنْ صِيَامِ النَّبِيِّ ﷺ قَالَتْ: كَانَ يَصُومُ حَتَّى نَقُولَ قَدْ صَامَ وَيُفْطِرُ حَتَّى نَقُولَ قَدْ أَفْطَرَ، [قَالَتْ:] وَمَا صَامَ رَسُولُ اللَّهِ ﷺ شَهْرًا كَامِلًا إِلَّا رَمَضَانَ.

وفي الباب عَنْ أَنَسٍ وَابْنِ عَبَّاسٍ.
قَالَ أَبُو عِيْسَى: حَدِيثُ عَائِشَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

٧٦٩ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ حَمِيدٍ، عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّهُ سُئِلَ عَنْ صَوْمِ النَّبِيِّ ﷺ قَالَ: كَانَ يَصُومُ مِنَ الشَّهْرِ حَتَّى يُرَى أَنَّهُ لَا يُرِيدُ أَنْ يُفْطِرَ مِنْهُ، وَيُفْطِرُ حَتَّى يُرَى أَنَّهُ لَا يُرِيدُ أَنْ يَصُومَ مِنْهُ شَيْئًا، فَكُنْتُ لَا تَشَاءُ أَنْ تَرَاهُ مِنَ اللَّيْلِ مُصَلِّيًا إِلَّا رَأَيْتُهُ مُصَلِّيًا، وَلَا نَائِمًا إِلَّا رَأَيْتُهُ نَائِمًا.

قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

[1] See the following *Ḥadīth*.

consecutive days. He ﷺ would sometimes fast first Saturday, Sunday and Monday of a month, and the next month he would fast Tuesday, Wednesday and Thursday; he would fast on Monday and Thursday every week. He would sometimes fast in the beginning of a month, sometimes in the middle of a month and sometimes at the end of a month; the objective was to leave the door open for observing voluntary fasts for every person, so that every person is able to observe voluntary fasts every month according to one's time, circumstance, capability and courage.

770. ‘Abdullāh bin ‘Amr narrated that the Messenger of Allāh ﷺ said: “The most virtuous fast is the fast of my brother Dāwūd. He would fast a day, and not fast (the next) day. He would not flee at the time of engagement (with the enemy).” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. Abul-‘Abbās (one of the narrators) is Ash-Shā‘ir (the poet) (Al-Makkī), Al-A‘mā (the blind), and his name is As-Sā‘ib bin Farrūkh.

Some of the people of knowledge said: The most virtuous fasting is that one fast one day, and not fast the next. And it is said that this is the most difficult type of fasting.

تخریج: [صحیح] وأخرجه ابن ماجه، ح: ۱۷۰۶ من حدیث وکیع به وهو فی صحیح مسلم، ح: ۱۸۷/۱۱۵۹ من حدیث مسعر، والبخاری، ح: ۱۹۷۹ من حدیث حبيب بن أبي ثابت به.

Comments:

Islam is a system of life given by The Creator of the nature, so it is exactly according to the human nature, therefore Islam does not ignore the worldly needs to propagate the religion only. It burdens on a person only to the extent that does not affect the rights of his body and soul, family and dependents, kith and kin, friends and loved ones.

Chapter 58. What Has Been Related About It Being Disliked To Fast On The Day Of *Fīṭr* And The Day Of *Nahṛ*

(المعجم ۵۸) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ الصَّوْمِ يَوْمَ الْفِطْرِ وَيَوْمَ النَّحْرِ
(التحفة ۵۸)

771. Abū ‘Ubaid, the freed slave of

۷۷۰ - حَدَّثَنَا هَذَا: حَدَّثَنَا وَكِيعٌ عَنْ مُسَعَّرٍ وَسُفْيَانَ، عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ، عَنْ أَبِي الْعَبَّاسِ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَفْضَلُ الصَّوْمِ صَوْمُ أَحْيَى دَاوُدَ كَانَ يَصُومُ يَوْمًا وَيُفْطِرُ يَوْمًا وَلَا يَغُيِّرُ إِذَا لَاقَى».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَأَبُو الْعَبَّاسِ هُوَ الشَّاعِرُ [الْمَكِّي] الْأَعْمَى وَاسْمُهُ السَّائِبُ بْنُ قُرُوخَ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: أَفْضَلُ الصَّيَامِ أَنْ يَصُومَ يَوْمًا وَيُفْطِرَ يَوْمًا، وَيُقَالُ: هَذَا هُوَ أَشَدُّ الصَّيَامِ.

۷۷۱ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ

‘Abdur-Raḥmān bin ‘Awf narrated: “I witnessed ‘Umar bin Al-Khaṭṭāb on the Day of *Nahr* beginning with the *Ṣalāt* before the *Khutbah*. Then he said: ‘I heard the Messenger of Allāh ﷺ prohibit fasting on these two days. As for the Day of *Fiṭr*, then it is for you to take a break from your fasting, and a celebration for the Muslims. As for the Day of *Adhā*, then eat from the flesh that you have sacrificed.” (Ṣaḥīḥ)

Abū ‘Eisā said: This *Hadīth* is (Ḥasan) Ṣaḥīḥ. Abū ‘Ubaid, the freed slave of ‘Abdur-Raḥmān bin ‘Awf – his name is Sa’d. They say that he is the freed slave of ‘Abdur-Raḥmān bin Azhar as well. ‘Abdur-Raḥmān bin Azhar is the son of the uncle of ‘Abdur-Raḥmān bin ‘Awf.

أَبِي السَّوَارِبِ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ أَبِي عُبَيْدٍ مَوْلَى عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ قَالَ: شَهِدْتُ عُمَرَ بْنَ الْخَطَّابِ فِي يَوْمِ النَّحْرِ بَدَأَ بِالصَّلَاةِ قَبْلَ الْخُطْبَةِ ثُمَّ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَنْهَى عَنْ صَوْمِ هَذَيْنِ الْيَوْمَيْنِ أَمَّا يَوْمُ الْفِطْرِ فَنَفِطْرُكُمْ مِنْ صَوْمِكُمْ وَعِيدٌ لِلْمُسْلِمِينَ، وَأَمَّا يَوْمُ الْأَضْحَى فَكُلُوا مِنْ لَحْمِ نُسُكِكُمْ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ [حَسَنٌ] صَحِيحٌ. وَأَبُو عُبَيْدٍ مَوْلَى عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ اسْمُهُ سَعْدٌ، وَيُقَالُ لَهُ مَوْلَى عَبْدِ الرَّحْمَنِ بْنِ أَزْهَرَ أَيْضًا. وَعَبْدُ الرَّحْمَنِ بْنُ أَزْهَرَ هُوَ ابْنُ عَمِّ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ.

تَخْرِيج: متفق عليه، وأخرجه البخاري، الصوم، باب صوم يوم الفطر، ح: ١٩٩٠، ٥٥٧١، ٥٥٧٣ ومسلم، ح: ١١٣٧ من حديث الزهري به.

Comments:

Fasting on the day of ‘*Eid* is prohibited because Allāh declared this day, after the fasts of Ramaḍān, a day of eating and drinking, so fasting on this day opposes the Will of Allāh. The Day of Sacrifice; fasting on this day is prohibited because Allāh commanded to eat the meat of the sacrifice, as it is the Will of Allāh that the Muslims offer the sacrifices, on this day, to achieve the pleasure and bliss of Allāh; they should eat the meat of the sacrifices enjoyably, regarding it a Feast from Allāh and they should feed others too.

772. Abū Sa‘eed Al-Khudri narrated: “The Messenger of Allāh ﷺ prohibited two fasts: Fasting the Day of *Adhā* and the Day of *Fiṭr*.” (Ṣaḥīḥ)

He said: There are narrations on this topic from ‘Umar, ‘Alī, ‘Āishah, Abū Hurairah, ‘Uqbah bin ‘Āmir, and Anas.

٧٧٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ عَمْرِو بْنِ يَحْيَى، عَنْ أَبِيهِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ صِيَامَيْنِ: صِيَامِ يَوْمِ الْأَضْحَى وَيَوْمِ الْفِطْرِ.

Abū 'Eīsā said: The *Ḥadīth* of Abū Sa'eed is a *Ḥasan Ṣaḥīḥ Ḥadīth*, and it is acted upon according to the people of knowledge.

Abū 'Eīsā said: 'Amr bin Yaḥya is Ibn 'Umārah bin Abī Al-Ḥasan Al-Māzinī Al-Madanī, and he is trustworthy, Sufyān Ath-Thawrī, Shu'bah, and Mālik bin Anas report from him.

قَالَ: وَفِي الْبَابِ عَنْ عُمَرَ وَعَلِيٍّ وَعَائِشَةَ وَأَبِي هُرَيْرَةَ وَعُقْبَةَ بْنِ عَامِرٍ وَأَنْسٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي سَعِيدٍ حَدِيثٌ حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَيْهِ عِنْدَ أَهْلِ الْعِلْمِ.

قَالَ أَبُو عِيسَى: وَعُمَرُو بْنُ يَحْيَى هُوَ ابْنُ عُمَارَةَ بْنِ أَبِي الْحَسَنِ الْمَازِنِيِّ الْمَدَنِيِّ، وَهُوَ ثِقَةٌ، رَوَى عَنْهُ سُفْيَانُ الثَّوْرِيُّ وَشُعْبَةُ وَمَالِكُ ابْنُ أَنْسٍ.

تخريج: [إسناده صحيح] وهو متفق عليه، وأخرجه البخاري، الصوم، باب صوم يوم الفطر، ح: ١٩٩١ ومسلم، الصيام، باب تحريم صوم يومي العيدين، ح: ١٤١/٨٢٧ من حديث عمرو بن يحيى به * وفي الباب عن عمر [تقدم: ٧٧١] وعلي [أحمد: ٩٤/١ وابن خزيمة، ح: ٢١٤٧] وعائشة [مسلم، ح: ١١٤٠] وأبي هريرة [مسلم، ح: ١١٣٨] وعقبة بن عامر [يأتي: ٧٧٣] وأنس [الدارقطني: ٢/٢١١، ح: ٢٢٨٤].

Chapter 59. What Has Been Related About It Being Disliked To Fast The Days Of *Tashriq*

773. 'Uqbah bin 'Āmir narrated that the Messenger of Allāh ﷺ said: "The Day of 'Arafah, the Day of *Nahr*, and the Days of *Tashriq* are 'Eid for us, the people of Islām, and they are days of eating and drinking." (*Ḥasan*)

Abū 'Eīsā said: There are narrations on this topic from 'Alī, Sa'd, Abū Hurairah, Jābir, Nubaishah, Bishr bin Suḥaim, 'Abdullāh bin Ḥudhāfah, Anas, Ḥamzah bin 'Amr Al-Aslamī, Ka'b bin Mālik, 'Āishah, 'Amr bin Al-'Ās, and 'Abdullāh bin 'Amr.

Abū 'Eīsā said: The *Ḥadīth* of 'Uqbah bin 'Āmir is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according

(المعجم ٥٩) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ صَوْمِ أَيَّامِ التَّشْرِيقِ (التحفة ٥٩)

٧٧٣ - حَدَّثَنَا هَذَا: حَدَّثَنَا وَكِيعٌ عَنْ مُوسَى بْنِ عَلِيٍّ، عَنْ أَبِيهِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «يَوْمُ عَرَفَةَ وَيَوْمُ النَّحْرِ وَأَيَّامُ التَّشْرِيقِ عِيدُنَا، أَهْلُ الْإِسْلَامِ، وَهِيَ أَيَّامُ أَكْلٍ وَشُرْبٍ».

قَالَ: وَفِي الْبَابِ عَنْ عَلِيٍّ وَسَعْدٍ وَأَبِي هُرَيْرَةَ وَجَابِرٍ وَنُبَيْشَةَ وَبِشْرِ بْنِ سُهَيْمٍ وَعَبْدِ اللَّهِ بْنِ حُذَافَةَ وَأَنْسٍ وَحَمْرَةَ بْنِ عَمْرٍو الْأَسْلَمِيِّ وَكَعْبِ بْنِ مَالِكٍ وَعَائِشَةَ وَعَمْرٍو بْنِ الْعَاصِ وَعَبْدِ اللَّهِ بْنِ عَمْرٍو.

قَالَ أَبُو عِيسَى: حَدِيثُ عُقْبَةَ بْنِ عَامِرٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ

to the people of knowledge. They consider it disliked to fast on the Days of *Tashrīq*, except that there are those among the Companions of the Prophet ﷺ, and others, who permitted it in the case of the one performing (*Hajj*) *Tamatu* – if he did not find a *Hadī*, and he did not fast during the ten (days) – then he can fast the Days of *Tashrīq*.

This is the view of Mālik bin Anas, *Ash-Shāfi'i*, *Aḥmad*, and *Ishāq*.

Abū 'Eīsā said: (Regarding one of the narrators:) The people of Al-'Irāq say: "Mūsā bin 'Ulayy bin Rabāḥ" while the people of Egypt say: "Mūsā bin 'Alī."

He said: I heard Qutaibah saying: "I heard Al-Laith bin Sa'd saying: 'Mūsā bin 'Alī said: "No one has been given the liberty to pronounce my father's name in the diminutive."'[1]

أَهْلُ الْعِلْمِ يَكْرَهُونَ صِيَامَ أَيَّامِ التَّشْرِيقِ، إِلَّا أَنْ قَوْمًا مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ رَخَّصُوا لِلْمُتَمَتِّعِ إِذَا لَمْ يَجِدْ هَذِيًّا وَلَمْ يَصُمْ فِي الْعَشْرِ أَنْ يَصُومَ أَيَّامَ التَّشْرِيقِ. وَبِهِ يَقُولُ مَالِكُ بْنُ أَنَسٍ وَالشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ.

قَالَ أَبُو عِيسَى: وَأَهْلُ الْعِرَاقِ يَقُولُونَ: مُوسَى بْنُ عَلِيٍّ بْنُ رَبَاحٍ وَأَهْلُ مِصْرَ يَقُولُونَ: مُوسَى بْنُ عَلِيٍّ. وَقَالَ: سَمِعْتُ قُتَيْبَةَ يَقُولُ سَمِعْتُ اللَّيْثَ بْنَ سَعْدٍ يَقُولُ: قَالَ مُوسَى بْنُ عَلِيٍّ: لَا أَجْعَلُ أَحَدًا فِي جِلٍّ، صَغَرَ اسْمُ أَبِي.

تخريج: [إسناده حسن] وأخرجه أبو داود، الصيام، باب الصيام أيام التشريق، ح: ٢٤١٩ من حديث وكيع به وصححه ابن خزيمة، ح: ٢١٠٠ وابن حبان، (الإحسان): ٣٥٩٤ والحاكم: ١/٤٣٤ على شرط مسلم ووافقه الذهبي * وفي الباب عن علي [تقدم في تخريج حديث: ٧٧٢] وسعد [أحمد: ١/١٦٩، ١٧٤] وأبي هريرة [ابن ماجه، ح: ١٧١٩] وجابر [لم نجده] ونيشة [مسلم، ح: ١١٤١] وبشر بن سحيم [ابن ماجه، ح: ١٧٢٠] وابن خزيمة، ح: ٢٩٦٠ وعبدالله بن حذافة [أحمد: ٣/٤٥٠] وأنس [الدارقطني: ٢/٢١١، ح: ٢٢٨٤] وحمزة بن عمرو الأسلمي [أحمد: ٣/٤٩٤] وكعب بن مالك [مسلم، ح: ١١٤٢] وعائشة [البخاري، ح: ١٩٩٧، ١٩٩٨] وعمرو ابن العاص [أبو داود، ح: ٢٤١٨] وعبدالله بن عمرو [النسائي في الكبرى: ١٧١/٢، ح: ٢٩٠٤].

Comments:

The Days of *Tashrīq* are 11th, 12th and 13th of *Dhul-Hijjah*, the meat of sacrifice is spread in the sun to be dried in these days, and therefore these days are named *Tashrīq*. These are the days of eating and drinking, so fasting on these days is prohibited.

[1] That is to say: 'ulayy rather than 'Alī.

Chapter 60. What Has Been Related About Cupping Being Disliked For The Fasting Person

774. Rāfi' bin Khadīj narrated that the Prophet ﷺ said: "The cupper and the one cupped have broken the fast." (*Ṣaḥīḥ*)

(Abū 'Eisā said:) There are narrations on this topic from Sa'd, 'Alī, Shaddād bin Aws, Thawbān, Usāmah bin Zaid, 'Āishah, Ma'qil bin Yasār – and they call him Ma'qil bin Sinān– Abū Hurairah, Ibn 'Abbās, Abū Mūsā, and Bilāl.

(Abū 'Eisā said:) The *Ḥadīth* of Rāfi' bin Khadīj is a *Ḥasan Ṣaḥīḥ Ḥadīth*. It has been mentioned that Aḥmad bin Ḥanbal said: "The most correct thing on this topic is the *Ḥadīth* of Rāfi' bin Khadīj." And, it has been mentioned that 'Alī bin 'Abdullāh said: "The most correct thing on this topic is the *Ḥadīth* of Thawbān and Shaddād bin Aws, because Yaḥya bin Abī Kathīr reported both of those *Aḥādīth*, that of Thawbān, and that of Shaddād bin Aws."

There are those people of knowledge among the Companions of the Prophet ﷺ, and others, who disliked cupping for the fasting person, such that some of the Companions of the Prophet ﷺ would be cupped during the night, among them are Abū Mūsā Al-Ash'arī and Ibn 'Umar. This is the view of Ibn Al-Mubārak.

Abū 'Eisā said: I heard Ishāq bin Maṣṣūr saying: "Abdur-Raḥmān

(المعجم ٦٠) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ الْحِجَامَةِ لِلصَّائِمِ (التحفة ٦٠)

٧٧٤ - حَدَّثَنَا [مُحَمَّدُ بْنُ يَحْيَى] وَمُحَمَّدُ ابْنُ رَافِعٍ النَّيْسَابُورِيُّ وَمَحْمُودُ بْنُ غِيْلَانَ وَيَحْيَى بْنُ مُوسَى قَالُوا: حَدَّثَنَا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ اللَّهِ بْنِ قَارِظٍ، عَنِ السَّائِبِ ابْنِ يَزِيدٍ، عَنْ رَافِعِ بْنِ خَدِيجٍ عَنِ النَّبِيِّ ﷺ قَالَ: «أَفْطَرَ الْحَاجِمُ وَالْمَحْجُومُ».

[قَالَ أَبُو عِيسَى]: وَفِي الْبَابِ عَنْ سَعْدٍ وَعَلِيٍّ وَشَدَّادِ بْنِ أَوْسٍ وَثَوْبَانَ وَأَسَمَةَ بْنِ زَيْدٍ وَعَائِشَةَ وَمَعْقِلِ بْنِ يَسَارٍ، - وَيُقَالُ: مَعْقِلُ بْنُ سِنَانٍ - وَأَبِي هُرَيْرَةَ وَابْنِ عَبَّاسٍ وَأَبِي مُوسَى وَبِلَالٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ رَافِعِ بْنِ خَدِيجٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَذَكَرَ عَنْ أَحْمَدَ بْنِ حَنْبَلٍ أَنَّهُ قَالَ: أَصَحُّ شَيْءٍ فِي هَذَا الْبَابِ حَدِيثُ رَافِعِ بْنِ خَدِيجٍ وَذَكَرَ عَنْ عَلِيٍّ بْنِ عَبْدِ اللَّهِ أَنَّهُ قَالَ أَصَحُّ شَيْءٍ فِي هَذَا الْبَابِ حَدِيثُ ثَوْبَانَ وَشَدَّادِ بْنِ أَوْسٍ لِأَنَّ يَحْيَى بْنَ أَبِي كَثِيرٍ رَوَى عَنْ أَبِي قِلَابَةَ الْحَدِيثَيْنِ جَمِيعًا حَدِيثَ ثَوْبَانَ وَحَدِيثَ شَدَّادِ بْنِ أَوْسٍ.

وَقَدْ كَرِهَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمُ الْحِجَامَةَ لِلصَّائِمِ حَتَّى أَنَّ بَعْضَ أَصْحَابِ النَّبِيِّ ﷺ اخْتَجَمَ بِاللَّيْلِ مِنْهُمْ أَبُو مُوسَى الْأَشْعَرِيُّ وَابْنُ عُمَرَ وَهَذَا يَقُولُ ابْنُ الْمُبَارَكِ.

bin Mahdī said: ‘Whoever is cupped while he is fasting, then he has to make it up.’” Ishāq bin Maṣūr said: “Aḥmad bin Hanbal and Ishāq bin Ibrāhīm said this.”

Abū ‘Eīsā said: Al-Ḥasan bin Muḥammad Az-Za‘frānī informed me: “Ash-Shāfi‘ī said: ‘It has been reported that the Prophet ﷺ would be cupped while he was fasting, and (it has been reported that) the Prophet ﷺ said: “The cupper and the one cupping have broken the fast.” And I do not know of either of these two *Aḥādīth* being confirmed. If a man avoids cupping while he is fasting then that is preferred to me. If a man is cupped while he is fasting then I do not see that it breaks his fast.”

Abū ‘Eīsā said: This is the opinion of Ash-Shāfi‘ī while he was in Baghdād, as for what he said in Egypt, he inclined to allowing it and he did not see any harm in cupping [for the fasting person], he argued that the Prophet ﷺ was cupped during the Farewell *Hajj* while he was a *Muḥrim* (in a state of *Ihrām*) and he was fasting.

قَالَ أَبُو عِيسَى: سَمِعْتُ إِسْحَاقَ بْنَ مَنْصُورٍ يَقُولُ: قَالَ عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: مَنْ اخْتَجَمَ وَهُوَ صَائِمٌ فَعَلَيْهِ الْقَضَاءُ. قَالَ إِسْحَاقُ بْنُ مَنْصُورٍ وَهَكَذَا قَالَ أَحْمَدُ بْنُ حَنْبَلٍ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ.

قَالَ أَبُو عِيسَى: أَخْبَرَنِي الْحَسَنُ بْنُ مُحَمَّدٍ الرَّعْفَرَانِيُّ قَالَ: قَالَ الشَّافِعِيُّ: قَدْ رَوَى عَنِ النَّبِيِّ ﷺ أَنَّهُ اخْتَجَمَ وَهُوَ صَائِمٌ وَرَوَى عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «أَفْطَرَ الْحَاجِمُ وَالْمَحْجُومُ» وَلَا أَعْلَمُ وَاحِدًا مِنْ هَذَيْنِ الْحَدِيثَيْنِ ثَابِتًا. وَلَوْ تَوَقَّى رَجُلٌ الْحِجَامَةَ وَهُوَ صَائِمٌ كَانَ أَحَبَّ إِلَيَّ وَإِنْ اخْتَجَمَ وَهُوَ صَائِمٌ لَمْ أَرِ ذَلِكَ أَنْ يَفْطِرُهُ.

قَالَ أَبُو عِيسَى: هَكَذَا كَانَ قَوْلُ الشَّافِعِيِّ بِبَغْدَادَ، وَأَمَّا بِمِصْرَ فَمَالَ إِلَى الرُّخْصَةِ، وَلَمْ يَرِ بِالْحِجَامَةِ [لِلصَّائِمِ] بَأْسًا وَاجْتِنَاحَ بَأَنِّ النَّبِيِّ ﷺ اخْتِجَمَ فِي حَجَّةِ الْوَدَاعِ وَهُوَ مُحْرِمٌ صَائِمٌ.

تخريج: [إسناده صحيح] وأخرجه أحمد: ٤٦٥/٣ عن عبد الرزاق به وهو في مصنف عبد الرزاق: ٢١٠/٤، ح: ٧٥٢٣ وصححه ابن خزيمة، ح: ١٩٦٤ وابن حبان (الإحسان): ٣٥٢٧ وللحديث شواهد * وفي الباب عن سعد [ابن عدي في الكامل: ٩٦٣/٣] وعلي [النسائي في الكبرى: ٢/٢٢٢، ٢٢٣، ح: ٣١٦١، ٣١٦٢] وشداد بن أوس [أبو داود، ح: ٢٣٦٩] وثوبان [أبو داود، ح: ٢٣٦٧] وأسامة بن زيد [أحمد: ٢١٠/٥] وعائشة [أحمد: ١٥٧/٦، ٢٥٨] ومعلق بن يسار [النسائي في الكبرى: ٢/٢٢٣، ح: ٣١٦٦، ٣١٦٧] ومعلق بن سنان [أحمد: ٤٧٤/٣] وأبي هريرة [ابن ماجه، ح: ١٦٧٩] وابن عباس [النسائي في الكبرى: ٢/٢٢٩، ح: ٣١٩٤] وأبي موسى [النسائي في الكبرى: ٢/٢٣٢، ح: ٣٢١٠] وبلال [أحمد: ١٢/٦] * قول ابن مهدي سنده صحيح.

Chapter 61. What Has Been Related About Permission For That

775. Ibn ‘Abbās narrated: “The Messenger of Allāh ﷺ was cupped while he was a fasting and in *Ihrām*.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Ḥadīth* is *Ṣaḥīḥ*. Wuhaib reported it similar to the narration of ‘Abdul-Wārith. Ismā‘il bin Ibrāhīm reported it from Ayyūb, from ‘Ikrimah in *Mursal* form, he did not mention “from Ibn ‘Abbās” in it.

تخریج: [صحيح] وأخرجه البخاري، الصوم، باب الحجامة والقيء للصائم، ح: ١٩٣٩ من حديث عبدالوارث به ورواه مسلم، ح: ١٢٠٢ من حديث آخر عن ابن عباس به.

776. Ibn ‘Abbās narrated: “The Prophet ﷺ was cupped while he was fasting.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Ḥadīth* is *Ḥasan Gharīb* from this route.

تخریج: [صحيح] وأخرجه النسائي في الكبرى، ح: ٣٢٣١ عن محمد بن المشي به وقال: "هذا منكر" والحديث السابق شاهد له.

777. Ibn ‘Abbās narrated: “The Prophet ﷺ was cupped somewhere between Makkah and Al-Madīnah, and he was a fasting and in *Ihrām*.” (*Da‘īf*)

(Abū ‘Eīsā said:) There are narrations on this topic from Abū Sa‘eed, Jābir, and Anas.

Abū ‘Eīsā said: The *Ḥadīth* of Ibn

(المعجم ٦١) - بَابُ مَا جَاءَ مِنْ

الرُّخْصَةِ فِي ذَلِكَ (التحفة ٦١)

٧٧٥ - حَدَّثَنَا بِشْرُ بْنُ هَلَالٍ الْبَصْرِيُّ: حَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ سَعِيدٍ: حَدَّثَنَا أَيُّوبُ عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ قَالَ: اخْتَجَمَ رَسُولُ اللَّهِ ﷺ وَهُوَ مُحْرِمٌ صَائِمٌ. قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ صَحِيحٌ، هَكَذَا رَوَى وَهَيْبٌ نَحْوَ رَوَايَةِ عَبْدِ الْوَارِثِ. وَرَوَى إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ أَيُّوبَ، عَنْ عِكْرِمَةَ مُرْسَلًا وَلَمْ يَذْكُرْ فِيهِ: عَنْ ابْنِ عَبَّاسٍ.

٧٧٦ - حَدَّثَنَا أَبُو مُوسَى مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْأَنْصَارِيُّ عَنْ حَبِيبِ بْنِ الشَّهِيدِ، عَنْ مَيْمُونِ بْنِ مِهْرَانَ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ اخْتَجَمَ وَهُوَ صَائِمٌ. وَقَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ.

٧٧٧ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ عَنْ يَزِيدَ بْنِ أَبِي زِيَادٍ، عَنْ مِقْسَمٍ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ اخْتَجَمَ فِيمَا بَيْنَ مَكَّةَ وَالْمَدِينَةِ وَهُوَ مُحْرِمٌ صَائِمٌ.

[قَالَ أَبُو عِيسَى:] وَفِي الْبَابِ عَنْ أَبِي سَعِيدٍ وَجَابِرٍ وَأَنَسٍ.

‘Abbās is a *Hasan Ṣaḥīḥ Ḥadīth*. Some of the people of knowledge among the Companions of the Prophet ﷺ and others, followed this *Ḥadīth*, they did not see any harm in cupping for the fasting person. This is the view of Sufyān Ath-Thawrī, Mālik bin Anas, and Ash-Shāfi‘ī.

قَالَ أَبُو عِيْسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ إِلَى هَذَا الْحَدِيثِ وَلَمْ يَرَوْا بِالْحِجَامَةِ لِلصَّائِمِ بَأْسًا وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَمَالِكِ بْنِ أَنَسٍ وَالشَّافِعِيِّ.

تخريج: [إسناده ضعيف] وأخرجه النسائي في الكبرى، ح: ٣٢٢٥، ٣٢٢٦، ٣٢٢٨ من حديث يزيد بن أبي زياد به مختصراً وهو ضعيف وللحديث شواهد دون قوله: "بين مكة والمدينة" به والله أعلم * وفي الباب عن أبي سعيد [تقدم: ٧١٩] وجابر [النسائي في الكبرى: ٢/ ٢٣٦، ح: ٢٢٣٣] وأنس [الدارقطني: ٢/ ١٨٢، ح: ٢٢٤٣].

Comments:

‘The cupper and the one cupped have broken the fast’ (*Ḥadīth* no. 774) means they both are on the verge of breaking the fast, because the cupper sucks the blood and it has possibility that the blood would reach the throat, and the one being cupped may get weak due to the blood being drained. The statement of Anas bin Mālik in *Ṣaḥīḥ Al-Bukhārī* is that we would dislike cupping because it has risk of causing weakness and instability, whereas some people stated this *Ḥadīth* is abrogated. (*Fath Al-Bārī*: 4/426)

Chapter 62. What Has Been Related About *Al-Wiṣāl* (Continuous) Fasting Is Disliked

(المعجم ٦٢) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ الْوِصَالِ فِي الصَّيَامِ (التحفة ٦٢)

778. Anas narrated that the Messenger of Allāh ﷺ said: “Do not perform *Wiṣāl*” They said: “But you perform *Wiṣāl* O Messenger of Allāh.” He said: “I am not like you are, indeed my Lord feeds me and gives me to drink.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from ‘Alī, Abū Hurairah, ‘Āishah, Ibn ‘Umar, Jābir, Abū Sa‘eed, and Bashīr bin Al-Khaṣāsiyyah.

Abū ‘Eisā said: The *Ḥadīth* of

٧٧٨ - حَدَّثَنَا نَضْرُ بْنُ عَلِيٍّ الْجَهْضَمِيُّ: حَدَّثَنَا يَشْرُ بْنُ الْمُفَضَّلِ وَخَالِدُ بْنُ الْحَارِثِ عَنْ سَعِيدِ بْنِ أَبِي عُرْوَةَ، عَنْ قَتَادَةَ، عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَوَاصِلُوا»، قَالُوا: فَإِنَّكَ تَوَاصِلُ يَا رَسُولَ اللَّهِ قَالَ: «إِنِّي لَسْتُ كَأَحَدِكُمْ إِنَّ رَبِّي يُطْعِمُنِي وَيَسْقِينِي».

[قَالَ:] وَفِي الْبَابِ عَنْ عَلِيٍّ وَأَبِي هُرَيْرَةَ وَعَائِشَةَ وَابْنِ عُمَرَ وَجَابِرٍ وَأَبِي سَعِيدٍ وَبَشِيرِ ابْنِ الْخَصَاصِيَّةِ.

Anas is a *Hasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to some of the people of knowledge, they dislike *Al-Wiṣāl* fasting, and, it has been reported that ‘Abdullāh bin Az-Zubair would fast continuously for days without interruption.

قَالَ أَبُو عِيسَى: حَدِيثُ أَنَسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ كَرَهُوا الْوَصَالَ فِي الصَّيَامِ وَرَوَى عَنْ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ أَنَّهُ كَانَ يُوَاصِلُ الْأَيَّامَ وَلَا يَفْطِرُ.

تخريج: [صحيح] وأخرجه أحمد: ١٧٠/٣ من حديث ابن أبي عروبة به وهو متفق عليه، البخاري، ح: ١٩٦١ من حديث قتادة به ومسلم، ح: ١١٠٤ من حديث أنس به * وفي الباب عن علي، [أحمد: ٩١/١، ١٤١] وأبي هريرة [البخاري، ح: ١٩٦٥، ومسلم، ح: ١١٠٣] وعائشة [البخاري، ح: ١٩٦٤، ومسلم، ح: ١١٠٥] وابن عمر [البخاري، ح: ١٩٦٢، ومسلم، ح: ١١٠٢] وجابر [الطبراني في الأوسط: ٤/٤٥٤، ح: ٣٧٦٨] وأبي سعيد [البخاري، ح: ١٩٦٧] وبشير ابن الخصاصة [أحمد: ٥/٢٢٥].

Comments:

Fasting consecutive days without ending the fast in the evening and without taking the predawn meal; spending nights like days without eating and drinking is a hard and demanding affair. There is a huge risk that the person will get so weak that it will be hard for him to fulfill his other duties and responsibilities. That is why the Prophet ﷺ prohibited his people fasting like this, so that the people would not put themselves in difficulty and hardship.

Chapter 63. What Has Been Related About the *Junub* (Sexually Impure) Person Who Discovers That It Is *Fajr* Time While He Wants To Fast

(المعجم ٦٣) - بَابُ مَا جَاءَ فِي الْجُنُبِ يُدْرِكُهُ الْفَجْرُ وَهُوَ يُرِيدُ الصَّوْمَ (التحفة ٦٣)

779. Abū Bakr bin ‘Abdur-Raḥmān bin Al-Ḥārith bin Hishām said: “Āishah and Umm Salamah, the wives of the Prophet ﷺ informed me that the Prophet ﷺ would find that it was *Fajr* while he was *Junub* from (relations with) his wives, then he would perform *Ghusl* and fast.” (*Ṣaḥīḥ*)

٧٧٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ ابْنِ الْحَارِثِ بْنِ هِشَامٍ قَالَ: أَخْبَرَنِي عَائِشَةُ وَأُمُّ سَلَمَةَ زَوْجَا النَّبِيِّ ﷺ أَنَّ النَّبِيَّ ﷺ كَانَ يُدْرِكُهُ الْفَجْرُ وَهُوَ جُنُبٌ مِنْ أَهْلِهِ ثُمَّ يَغْتَسِلُ فَيَصُومُ.

Abū ‘Eisā said: The *Ḥadīth* of ‘Āishah and Umm Salamah is a *Hasan Ṣaḥīḥ Ḥadīth*. This is acted

قَالَ أَبُو عِيسَى: حَدِيثُ عَائِشَةَ وَأُمِّ سَلَمَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ وَالْعَمَلُ عَلَى هَذَا عِنْدَ

upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others. It is the view of Sufyān, Ash-Shāfi'ī, Ahmad, and Ishāq. Some people among the *Tābi'īn* have said that when one awakens in the morning in a state of sexual impurity then he is to make up that day. But the first view is more correct.

أَكْثَرُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ وَهُوَ قَوْلُ سُفْيَانَ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ وَقَدْ قَالَ قَوْمٌ مِنَ التَّابِعِينَ: إِذَا أَصْبَحَ جُنْبًا يَقْضِي ذَلِكَ الْيَوْمَ. وَالْقَوْلُ الْأَوَّلُ أَصَحُّ.

تخريج: متفق عليه، البخاري، الصوم، باب الصائم يصبح جنبًا، ح: ١٩٢٦ من حديث ابن شهاب الزهري، ومسلم، الصيام، باب صحة صوم من طلع عليه الفجر وهو جنب، ح: ١١٠٩ من حديث أبي بكر بن عبد الرحمن به.

Comments:

If a person has sexual intercourse with his wife and takes the *Sahūr* meal while in state of being sexually impure, but he takes a bath for the morning prayer, after the dawn, according to the Four *A'imma* and the majority of scholars the sexual impurity will not affect the fast.

Chapter 64. What Has Been Related About The Fasting Person Accepting the Invitation (To A Meal)

780. Abū Hurairah narrated that the Prophet ﷺ said: "When one of you is invited to eat then let him respond, if he is fasting then let him pray." Meaning: supplicate. (*Sahih*)

(المعجم ٦٤) - بَابُ مَا جَاءَ فِي إِجَابَةِ الصَّائِمِ الدَّعْوَةَ (التحفة ٦٤)

٧٨٠ - حَدَّثَنَا أَزْهَرُ بْنُ مَرْوَانَ الْبَصْرِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ سَوَاءٍ: حَدَّثَنَا سَعِيدُ بْنُ أَبِي عَرُوبَةَ عَنْ أَيُّوبَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا دُعِيَ أَحَدُكُمْ إِلَى طَعَامٍ فَلْيُجِبْ، فَإِنْ كَانَ صَائِمًا فَلْيُصَلِّ» يَعْني الدُّعَاءَ.

تخريج: [صحيح] وأخرجه أحمد: ٤٨٩/٢ من حديث ابن أبي عروبة، ومسلم، ح: ١٤٣١ من حديث محمد بن سيرين به.

781. Abū Hurairah narrated that the Prophet ﷺ said: "When one of you is invited (to a meal) and he is fasting, then let him say: 'Indeed I am fasting.'" (*Sahih*)

٧٨١ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ: حَدَّثَنَا سُفْيَانُ ابْنُ عُيَيْنَةَ عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا دُعِيَ أَحَدُكُمْ وَهُوَ صَائِمٌ فَلْيَقُلْ: إِنِّي صَائِمٌ».

Abū 'Eisā said: Both of these *Ahādīth* from Abū Hurairah on this topic are *Hasan Ṣaḥīḥ*.

قَالَ أَبُو عِيسَى: فَكِلَا الْحَدِيثَيْنِ فِي هَذَا
الْبَابِ عَنْ أَبِي هُرَيْرَةَ حَسَنٌ صَحِيحٌ.

تخریج: وأخرجه مسلم، الصيام، باب نذب الصائم إذا دعي إلى الطعام ولم يرد الإفتار
... إلخ، ح: ١١٥ من حديث سفيان بن عيينة به.

Comments:

'Then let him pray' may mean only the supplication, or only the prayer, and it may also mean that the fasting person should visit the host's home and make supplication after performing voluntary prayer.

Chapter 65. What Has Been Related About It Being Disliked For A Woman To Fast Except With The Permission Of Her Husband

782. Abū Hurairah narrated that the Prophet ﷺ said: "A woman may not fast a day – other than in the month of Ramadān – while her husband is present, except with his permission." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ibn 'Abbās and Abū Sa'eed.

Abū 'Eisā said: The *Ḥadīth* of Abū Hurairah is a *Hasan Ṣaḥīḥ Ḥadīth*. This *Ḥadīth* has been reported from Abū Az-Zinād (one of the narrators), from Mūsā bin Abī 'Uthmān, from his father, from Abū Hurairah, from the Prophet ﷺ.

(المعجم ٦٥) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ
صَوْمِ الْمَرْأَةِ إِلَّا بِإِذْنِ زَوْجِهَا (التحفة ٦٥)

٧٨٢ - حَدَّثَنَا قُتَيْبَةُ وَنَصْرُ بْنُ عَلِيٍّ قَالَا:
حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ أَبِي الزِّنَادِ، عَنْ
الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ:
«لَا تَصُومُ الْمَرْأَةُ وَزَوْجُهَا شَاهِدٌ يَوْمًا مِنْ غَيْرِ
شَهْرِ رَمَضَانَ إِلَّا بِإِذْنِهِ».

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عَبَّاسٍ وَأَبِي
سَعِيدٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ
حَسَنٌ صَحِيحٌ وَقَدْ رُوِيَ هَذَا الْحَدِيثُ عَنْ
أَبِي الزِّنَادِ، عَنْ مُوسَى بْنِ أَبِي عُثْمَانَ، عَنْ
أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ.

تخریج: وأخرجه البخاري، النكاح، باب: لا تأذن المرأة في بيت زوجها لأحد إلا بإذنه،
ح: ٥١٩٥ من حديث أبي الزناد به ورواه مسلم، ح: ١٠٢٦ من حديث أبي هريرة به * وفي الباب
عن ابن عباس [لم نجد] وأبي سعيد [أبو داود، ح: ٢٤٥٩].

Comments:

Islam stresses a good social life and mutual compassion and kindness. So it does not allow a married woman to observe voluntary fast without securing the permission of her husband while he is staying at home, and he has desire and a need for her.

Chapter 66. What Has Been Related About Delay When Making Up For Ramaḍān

783. ‘Āishah narrated: “I would not make up what was due upon me from Ramaḍān except in Sha‘bān, until the Messenger of Allāh ﷺ died.” (*Hasan*)

Abū ‘Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*. (He said:) Similar to this was reported by Yahya bin Sa‘eed Al-Anṣārī, from Abū Salamah, from ‘Āishah.

(المعجم ٦٦) - بَابُ مَا جَاءَ فِي تَأْخِيرِ قَضَاءِ رَمَضَانَ (التحفة ٦٦)

٧٨٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ إِسْمَاعِيلَ السُّدِّيِّ، عَنْ عَبْدِ اللَّهِ الْبُهَيْ، عَنْ عَائِشَةَ قَالَتْ: مَا كُنْتُ أَقْضِي مَا يَكُونُ عَلَيَّ مِنْ رَمَضَانَ إِلَّا فِي شَعْبَانَ حَتَّى تُوفِّي رَسُولُ اللَّهِ ﷺ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، [قَالَ:] وَقَدْ رَوَى يَحْيَى بْنُ سَعِيدٍ الْأَنْصَارِيُّ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ نَحْوَ هَذَا.

تخريج: [إسناده حسن] وأخرجه أحمد: ١٢٤/٦، ١٣١ من حديث أبي عوانة به وهو على شرط مسلم وصححه ابن خزيمة، ح: ٢٠٤٩-٢٠٥١.

Comments:

According to the majority, making up missed fasts of Ramaḍān as soon as possible is recommended and better because life is not guaranteed, but as the world is standing on hope, therefore there is a flexibility and permission of delaying until the following Ramaḍān.

Chapter 67. What Has Been Related About The Virtues For The Fasting Person When Others Are Eating In His Presence

784. Laila narrated from the one who freed her (Umm ‘Amārah) that the Prophet ﷺ said: “When those who are not fasting eat in the presence of the fasting person, the angels send *Ṣalāt* upon him.” (*Hasan*)

Abū ‘Eīsā said: Shu‘bah narrated this *Hadīth* from Ḥabīb bin Zaid, from Laila, from his (Ḥabīb’s) grandmother Umm ‘Amārah, from the Prophet ﷺ, and it is similar.

(المعجم ٦٧) - بَابُ مَا جَاءَ فِي فَضْلِ الصَّائِمِ إِذَا أَكَلَ عِنْدَهُ (التحفة ٦٧)

٧٨٤ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا شَرِيكٌ عَنْ حَبِيبِ بْنِ زَيْدٍ، عَنْ لَيْلَى عَنْ مَوْلَانَهَا عَنِ النَّبِيِّ ﷺ قَالَ: «الصَّائِمُ إِذَا أَكَلَ عِنْدَهُ الْمَفَاطِيرُ، صَلَّتْ عَلَيْهِ الْمَلَائِكَةُ».

قَالَ أَبُو عِيسَى: وَرَوَى شُعْبَةُ هَذَا الْحَدِيثَ عَنْ حَبِيبِ بْنِ زَيْدٍ، عَنْ لَيْلَى، عَنْ جَدَّتِهِ أُمِّ عَمَارَةَ عَنِ النَّبِيِّ ﷺ نَحْوَهُ.

تخریج: [حسن] وأخرجه ابن ماجه، الصيام، باب: في الصائم إذا أكل عنده، ح: ١٧٤٨ من حديث حبيب بن زيد به وصححه ابن خزيمة، ح: ٢١٣٨، ٢١٣٩ وابن حبان، ح: ٩٥٣.

Comments:

The majority hold the view that invoking blessings permanently upon other than the Prophets is not right, but provisionally may be done so. Imām Abū Ḥanīfah, Imām Mālik and Imām Shāfi'ī hold the same opinion. (*Ma'ārif As-Sunan*: 5/505). This view seems true that it is incorrect in meaning of a permanent religious term (as it is for the Prophets) but in meaning of supplication and seeking forgiveness is correct.

785. Ḥabīb bin Zaid said: “I heard a freed slave of ours called Laila narrating from [his (Ḥabīb's) grandmother] Umm 'Amārah bint Ka'b Al-Anṣārī, that the Prophet ﷺ entered upon her and some food was brought to him. He said: 'Eat.' She said: 'I am fasting.' So the Messenger of Allāh ﷺ said: 'Indeed the angels send *Ṣalāt* upon the fasting person when (others) eat in his presence, until they finish.' And perhaps he said: 'Until they have eaten their fill.’” (*Ḥasan*)

Abū 'Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*, and it is more correct than the (previous) narration of Sharīk.

٧٨٥ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ: حَدَّثَنَا شُعْبَةُ عَنْ حَبِيبِ بْنِ زَيْدٍ قَالَ: سَمِعْتُ مَوْلَاةَ لَنَا يُقَالُ لَهَا لَيْلَى تُحَدِّثُ عَنْ [جَدَّتِهِ] أُمِّ عُمَارَةَ ابْنَةِ كَعْبِ الْأَنْصَارِيِّ أَنَّ النَّبِيَّ ﷺ دَخَلَ عَلَيْهَا فَقَدَّمَتْ إِلَيْهِ طَعَامًا فَقَالَ: «كُلِي» فَقَالَتْ: إِنِّي صَائِمَةٌ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ الصَّائِمَ تُصَلِّي عَلَيْهِ الْمَلَائِكَةُ إِذَا أُكِلَ عِنْدَهُ حَتَّى يَفْرُغُوا». وَرُبَّمَا قَالَ: «حَتَّى يَشْبَعُوا».

قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ وَهُوَ أَصَحُّ مِنْ حَدِيثِ شَرِيكَ.

تخریج: [إسناده حسن] وأخرجه ابن ماجه، ح: ١٧٤٨ (انظر الحديث السابق) من حديث شعبة به.

786. (Another chain) from Umm 'Amārah bint Ka'b Al-Anṣārī from the Prophet ﷺ, that is similar, except that he did not mention “Until they finish, or they have eaten their fill.” (*Ḥasan*)

Abū 'Eīsā said: Umm 'Amārah is the grandmother of Ḥabīb bin Zaid Al-Anṣārī.

٧٨٦ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ حَبِيبِ بْنِ زَيْدٍ، عَنْ مَوْلَاةٍ لَهُمْ يُقَالُ لَهَا لَيْلَى، عَنْ أُمِّ عُمَارَةَ بِنْتِ كَعْبِ عَنِ النَّبِيِّ ﷺ نَحْوَهُ وَلَمْ يَذْكُرْ فِيهِ حَتَّى «يَفْرُغُوا أَوْ يَشْبَعُوا».

قَالَ أَبُو عِيسَى: وَأُمُّ عُمَارَةَ هِيَ جَدَّةُ حَبِيبِ بْنِ زَيْدِ الْأَنْصَارِيِّ.

تخريج: [إسناده حسن] وانظر الحديث السابق والذي قبله.

Chapter 68. What Has Been Related About The Woman Who Menstruated Makes Up The Fasts But Not The *Ṣalāt*

(المعجم ٦٨) - بَابُ مَا جَاءَ فِي قَضَاءِ الْحَائِضِ الصِّيَامَ دُونَ الصَّلَاةِ
(التحفة ٦٨)

787. 'Āishah narrated: "We would menstruate during the time of the Messenger of Allāh ﷺ, then when we became pure we were ordered to make up the fasts but we were not ordered to make up the *Ṣalāt*." (Hasan)

Abū 'Eīsā said: This *Ḥadīth* is *Hasan*. It has also been reported by Mu'adhah from 'Āishah. This is acted upon according to the people of knowledge, and we do not know of any disagreement among them; the menstruating woman makes up the fasts but she does not make of the *Ṣalāt*.

Abū 'Eīsā said: 'Ubaidah (one of the narrators) is Ibn Mu'attib Aḍ-Ḍabbī Al-Kūfī, his *Kunyah* is Abū 'Abdul-Karīm.

٧٨٧ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا عَلِيُّ ابْنُ مُسْهِرٍ عَنْ عُبَيْدَةَ، عَنْ إِبْرَاهِيمَ، عَنْ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: كُنَّا نَحِيضُ عِنْدَ رَسُولِ اللَّهِ ﷺ ثُمَّ نَطْهَرُ فَيَأْمُرُنَا بِقَضَاءِ الصِّيَامِ وَلَا يَأْمُرُنَا بِقَضَاءِ الصَّلَاةِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ، وَقَدْ رَوَى عَنْ مُعَاذَةَ، عَنْ عَائِشَةَ أَيْضًا، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ لَا نَعْلَمُ بَيْنَهُمْ اخْتِلَافًا أَنَّ الْحَائِضَ تَقْضِي الصِّيَامَ وَلَا تَقْضِي الصَّلَاةَ.

قَالَ أَبُو عِيسَى: وَعُبَيْدَةُ هُوَ ابْنُ مُعْتَبِرِ الصَّبِيِّ الْكُوفِيُّ يُكْنَى أَبَا عَبْدِ الْكَرِيمِ.

تخريج: [حسن] وأخرجه ابن ماجه، الصيام، باب ما جاء في قضاء رمضان، ح: ١٦٧٠ من حديث عبيدة بن معتب الصبي الكوفي به وسنده ضعيف ولكن له شواهد كثيرة جدًا انظر الحديث السابق: ١٣٠.

Comments:

The Followers of the *Sunnah* are unanimously agreed that the missed fasts of Ramaḍān during the menstruating days will be made up after having been pure from the menses, but she will not make up the prayers.

Chapter 69. What Has Been Related About It Being Disliked To Take Excessive Amounts Of Water Into The Nose (*Al-Istinshāq*) When Fasting

(المعجم ٦٩) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ مُبَالَغَةِ الْإِسْتِنْشَاقِ لِلصَّائِمِ (التحفة ٦٩)

788. ‘Āṣim bin Laqīṭ bin Ṣabrah narrated from his father who said: “I said, ‘O Messenger of Allāh! Inform me about *Wuḍū*.’” So he said: “Perform *Wuḍū*”^[1] well, and go between the fingers, and perform *Istinshāq*”^[2] extensively except when fasting.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. The people of knowledge dislike sniffing (water) for the fasting person, and they consider that to break his fast, and in this *Ḥadīth* there is support for their saying.

٧٨٨ - حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ [عَبْدِ الْحَكِيمِ الْبَغْدَادِيُّ] الْوَرَّاقُ وَأَبُو عَمَّارٍ [الْحُسَيْنُ بْنُ حُرَيْثٍ] قَالَا: حَدَّثَنَا يَحْيَى بْنُ سُلَيْمٍ: حَدَّثَنِي إِسْمَاعِيلُ بْنُ كَثِيرٍ قَالَ: سَمِعْتُ عَاصِمَ بْنَ لَقِيطٍ بْنِ صَبْرَةَ عَنْ أَبِيهِ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! أَخْبِرْنِي عَنِ الْوُضُوءِ قَالَ: «أَسْبَغِ الْوُضُوءَ، وَخَلَّلْ بَيْنَ الْأَصَابِعِ، وَبَالَغْ فِي الْإِسْتِنْشَاقِ إِلَّا أَنْ تَكُونَ صَائِمًا».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، وَقَدْ كَرِهَ أَهْلُ الْعِلْمِ الشُّعُوطَ لِلصَّائِمِ وَرَأَوْا أَنَّ ذَلِكَ يُفْطِرُهُ، وَفِي الْحَدِيثِ مَا يُقَوِّي قَوْلَهُمْ.

تخريج: [إسناده صحيح] وأخرجه أبو داود، الصيام، باب الصائم يصب عليه الماء من العطش يبلغ في الاستنشاق، ح: ٢٣٦٦ من حديث يحيى بن سليم به وصححه ابن خزيمة، ح: ١٥٠، ١٦٨ وابن حبان، ح: ١٥٩ والحاكم: ١/١٤٧، ١٤٨ والذهبي وغيرهم.

Comments:

From this *Ḥadīth*, the scholars derived a rule and principle that if something reaches the uppermost part of the nostril or stomach it will void the fast. So if the mouth is rinsed excessively or water is sniffed up into the nose excessively, thus water can go to the uppermost part of the nostril or to the stomach, therefore doing so excessively while one is fasting is not allowed.

[1] That is: “*Isbāghul-Wuḍū*” and part of this *Ḥadīth* was mentioned earlier with a different chain of narration, see no. 38.

[2] See no. 27.

Chapter 70. What Has Been Related About: One Who Stays With A People Should Not Fast Without Their Permission

789. 'Āishah narrated that the Messenger of Allāh ﷺ said: "Whoever stays with a people, then he is not to fast without their permission." (*Da'if*)

Abū 'Eisā said: This *Hadīth* is *Munkar* (objectionable), we do not know any of the trustworthy narrators who narrated it from Hishām bin 'Urwah. Mūsā bin Dāwūd reported similar to this from Abū Bakr Al-Madanī, from Hishām bin 'Urwah, from his father, from 'Āishah, from the Prophet ﷺ.

(Abū 'Eisā said:) This *Hadīth* is also weak. Abū Bakr is weak according to the scholars of *Hadīth*. (As for) Abū Bakr (Al-Madanī), the one who reports from Jābir bin 'Abdullāh; his name is Al-Faḍl bin Mubashshir, and he is more trustworthy than this one, and lived earlier.

تخريج: [إسناده ضعيف] أيوب بن واقد متروك، وأخرجه ابن ماجه، ح: ١٧٦٣ من حديث موسى بن داود به وسنده ضعيف.

Comments:

If fasting as a guest creates difficulty for the host and he will have to make special arrangements for breaking the fast and for the predawn meal, in this case he should not observe voluntary fast. If the host can make preparation with pleasure, easily and without painstaking work, then there is no harm. (*Tuḥfat Al-Aḥwadhī*: 2/67)

Chapter 71. What Has Been Related About *Itikāf*

790. Abū Hurairah and 'Āishah

(المعجم ٧٠) - بَابُ مَا جَاءَ فِيْمَنْ نَزَلَ بِقَوْمٍ فَلَا يَصُومُ إِلَّا بِإِذْنِهِمْ (التحفة ٧٠)

٧٨٩ - حَدَّثَنَا بِشْرُ بْنُ مُعَاذٍ الْعَقَدِيُّ الْبَصْرِيُّ: حَدَّثَنَا أَيُّوبُ بْنُ وَاقِدٍ الْكُوفِيُّ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ نَزَلَ عَلَى قَوْمٍ فَلَا يَصُومَنَّ تَطَوُّعًا إِلَّا بِإِذْنِهِمْ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ مُنْكَرٌ لَا نَعْرِفُ أَحَدًا مِنَ الثَّقَاتِ رَوَى هَذَا الْحَدِيثَ عَنْ هِشَامِ بْنِ عُرْوَةَ. وَقَدْ رَوَى مُوسَى بْنُ دَاوُدَ عَنْ أَبِي بَكْرٍ الْمَدَنِيِّ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ نَحْوًا مِنْ هَذَا.

[قَالَ أَبُو عِيسَى:] وَهَذَا حَدِيثٌ ضَعِيفٌ أَيْضًا. أَبُو بَكْرٍ ضَعِيفٌ عِنْدَ أَهْلِ الْحَدِيثِ. وَأَبُو بَكْرٍ [الْمَدَنِيُّ] الَّذِي رَوَى عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ اسْمُهُ الْفَضْلُ بْنُ مُبَشَّرٍ وَهُوَ أَوْثَقُ مِنْ هَذَا وَأَقْدَمُ.

(المعجم ٧١) - بَابُ مَا جَاءَ فِي

الْإِعْتِكَافِ (التحفة ٧١)

٧٩٠ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا

narrated: "The Prophet ﷺ would perform *I'tikāf* during the last ten (days) of Ramaḍān until Allāh took him." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ubayy bin Ka'b, Abū Laila, Abū Sa'eed, Anas, and Ibn 'Umar.

Abū 'Eisā said: The *Ḥadīth* of Abū Hurairah and 'Āishah is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ، وَعُرْوَةَ، عَنْ عَائِشَةَ: أَنَّ النَّبِيَّ ﷺ كَانَ يَعْتَكِفُ الْعَشَرَ الْأَوَّلَ مِنْ رَمَضَانَ حَتَّى قَبِضَهُ اللَّهُ.

[قَالَ:] وَفِي الْبَابِ عَنْ أَبِي بَنِي كَعْبٍ وَأَبِي لَيْلَى وَأَبِي سَعِيدٍ وَأَنْسٍ وَابْنِ عُمَرَ. قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ وَعَائِشَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: [صحيح] وأخرجه أحمد: ٢٨١/٢ عن عبد الرزاق، والبخاري، ح: ٢٠٢٦ ومسلم، ح: ١١٧٢ من حديث الزهري به باختلاف يسير * وفي الباب عن أبي بن كعب [أبو داود، ح: ٢٤٦٣] وأبي ليلي [أحمد: ٣٤٨/٤] وأبي سعيد [البخاري، ح: ٢٠١٨] ومسلم، ح: ١١٦٧ وأنس [يأتي: ٨٠٣] وابن عمر [البخاري، ح: ٢٠٢٥] ومسلم، ح: ١١٧١.

Comments:

The literal meaning of *I'tikāf*: Sticking and adhering to something or to be regular in something. Religiously, it means a Muslim staying in the mosque for the purpose of worship, following certain religious guidelines.

791. 'Āishah narrated: "When the Messenger of Allāh ﷺ wanted to perform *I'tikāf*, he would perform the *Fajr* prayer and then he would enter his place of *I'tikāf*." (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* was reported in *Mursal* form, by Yahya bin Sa'eed, from 'Amrah, from the Prophet ﷺ. Mālik and others reported it as a *Mursal* narration from Yahya bin Sa'eed (from 'Amrah). Al-Awzā'i reported it from Sufyān Ath-Thawrī (and others) from Yahya bin Sa'eed, from 'Amrah, from 'Āishah.

This *Ḥadīth* is acted upon according to some of the people of knowledge. They say when a man wants to perform *I'tikāf* he prays

٧٩١ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عُمَرَ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا أَرَادَ أَنْ يَعْتَكِفَ صَلَّى الْفَجْرَ ثُمَّ دَخَلَ فِي مُعْتَكِفِهِ.

قَالَ أَبُو عِيسَى: وَقَدْ رَوَى هَذَا الْحَدِيثُ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عُمَرَ عَنِ النَّبِيِّ ﷺ مُرْسَلٌ. رَوَاهُ مَالِكٌ وَغَيْرُ وَاحِدٍ عَنْ يَحْيَى بْنِ سَعِيدٍ [عَنْ عُمَرَ] مُرْسَلًا. وَرَوَاهُ الْأَوْزَاعِيُّ عَنْ سُفْيَانَ الثَّوْرِيِّ [وَعَبْرَ وَاحِدٍ]، عَنْ يَحْيَى ابْنِ سَعِيدٍ، عَنْ عُمَرَ، عَنْ عَائِشَةَ.

وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ يَقُولُونَ: إِذَا أَرَادَ الرَّجُلُ أَنْ يَعْتَكِفَ صَلَّى الْفَجْرَ ثُمَّ دَخَلَ فِي مُعْتَكِفِهِ.

Fajr then he enters his place of *I'tikāf*. This is the view of Aḥmad bin Ḥanbal and Ishāq bin Ibrāhīm. Some of them said that when he wants to perform *I'tikāf*, then when the sun sets on the night prior to the morning that he intends to begin his *I'tikāf*, he should be sitting in the place of his *I'tikāf*. This is the view of Sufyān Ath-Thawrī, and Mālik bin Anas.

تخريج: متفق عليه، أخرجه مسلم، الاعتكاف، باب: متى يدخل من أراد الاعتكاف في معتكفه، ح: ١١٧٣ من حديث أبي معاوية والبخاري، الاعتكاف، باب اعتكاف النساء، ح: ٢٠٣٣ من حديث يحيى بن سعيد الأنصاري به.

Comments:

Majority scholars, the three *A'imma*h, Abū Ḥanīfah, Mālik and Shāfi'ī are of the view that *I'tikāf* starts from the twenty first night of Ramaḍān and the person who is going to make *I'tikāf* should enter the mosque before sunset, one statement of Imām Aḥmad is the same, and this is the correct view.

Chapter 72. What Has Been Related About The Night of *Al-Qadr*

792. 'Āishah narrated: "The Messenger of Allāh ﷺ would *Yujāwir* (stay in *I'tikāf*) during the last ten (nights) of Ramaḍān, and he said: 'Seek the Night of *Al-Qadr* during the last ten (nights) of Ramaḍān.'" (*Ṣaḥīḥ*)

There are narrations on this topic from 'Umar, Ubayy bin Ka'b, Jābir bin Samurah, Jābir bin 'Abdullāh, Ibn 'Umar, Al-Falātān Ibn 'Āṣim, Anas, Abū Sa'eed, 'Abdullāh bin Unais (Az-Zubairī), Abū Bakrah, Ibn 'Abbās, Bilāl, 'Ubādah bin Aṣ-Ṣāmiṭ.

Abū 'Eisā said: The *Hadīth* of 'Āishah is a *Ḥasan Ṣaḥīḥ Hadīth*, and the statement: *Yujāwir* means to stay in *I'tikāf*. Most of the

وَهُوَ قَوْلُ أَحْمَدَ بْنِ حَنْبَلٍ وَإِسْحَاقَ بْنِ إِبْرَاهِيمَ. وَقَالَ بَعْضُهُمْ: إِذَا أَرَادَ أَنْ يَعْتَكِفَ فَلْتَغِبْ لَهُ الشَّمْسُ مِنَ اللَّيْلَةِ الَّتِي يُرِيدُ أَنْ يَعْتَكِفَ فِيهَا مِنَ الْعَدِ، وَقَدْ قَعَدَ فِي مُعْتَكِفِهِ وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَمَالِكِ بْنِ أَنَسٍ.

(المعجم ٧٢) - بَابُ مَا جَاءَ فِي لَيْلَةِ

الْقَدْرِ (النحفة ٧٢)

٧٩٢ - حَدَّثَنَا هَارُونُ بْنُ إِسْحَاقَ الهمداني: حَدَّثَنَا عَبْدُ بْنُ سُلَيْمَانَ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يُجَاوِرُ فِي الْعَشْرِ الْأَوَاخِرِ مِنْ رَمَضَانَ وَيَقُولُ: «تَحَرَّوْا لَيْلَةَ الْقَدْرِ فِي الْعَشْرِ الْأَوَاخِرِ مِنْ رَمَضَانَ».

وفي الباب عَنْ عُمَرَ وَأَبِي بَكْرٍ كَعْبٍ وَجَابِرِ بْنِ سَمُرَةَ وَجَابِرِ بْنِ عَبْدِ اللَّهِ وَابْنِ عُمَرَ وَالْفَلَتَانِ بْنِ عَاصِمٍ وَأَنْسٍ وَأَبِي سَعِيدٍ وَعَبْدُ اللَّهِ بْنُ أُنَيْسٍ [الرُّبَيْرِيُّ] وَأَبِي بَكْرَةَ وَابْنَ عَبَّاسٍ وَبِلَالَ وَعُبَادَةَ بْنُ الصَّامِتِ.

قَالَ أَبُو عِيسَى: حَدِيثُ عَائِشَةَ حَدِيثٌ

narrations from the Prophet ﷺ say: "Search (*Iltamisū*) for it during the last ten on every odd (night)." It has been reported from the Prophet ﷺ that the Night of *Al-Qadr* is the twenty-first night; the twenty-third night; and the twenty-fifth night; the twenty-seventh night; the twenty-ninth night; and that it is the last night of Ramaḍān.

(Abū 'Eisā said:) Ash-Shāfi'i said: "To me, and Allāh knows best, it is as if the Prophet ﷺ would be asked about as it is (now) asked about. It would be said to him: 'We search for it on this night.' So he would say: 'Search for it on this night.'" Ash-Shāfi'i said: "The strongest narration to me is the one that mentions the twenty-first night."

Abū 'Eisā said: It has been reported that Ubayy bin Ka'b would take an oath that it was the twenty-seventh night, and he said: "The Messenger of Allāh ﷺ informed us of its signs, so we counted and preserved it." (*Ṣaḥīḥ*)

And it has been reported that Abū Qilābah said: "The Night of *Al-Qadr* fluctuates between the last ten." 'Abd bin Ḥumaid informed us of that; 'Abdur-Razzāq narrated to us from Ma'mar, from Ayyūb, from Abū Qilābah. (*Ṣaḥīḥ*)

حَسَنٌ صَحِيحٌ وَقَوْلُهَا: يُجَاوِرُ يَعْني يَعْتَكِفُ
وَأَكْثَرُ الرِّوَايَاتِ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ:
«الْتَمِسُوهَا فِي الْعَشْرِ الْأَوَاخِرِ فِي كُلِّ وَتْرٍ».
وَرَوَى عَنِ النَّبِيِّ ﷺ فِي لَيْلَةِ الْقَدْرِ أَنَّهَا لَيْلَةٌ
إِحْدَى وَعِشْرِينَ وَلَيْلَةٌ ثَلَاثَ وَعِشْرِينَ وَخَمْسَ
وَعِشْرِينَ وَسَبْعَ وَعِشْرِينَ وَتِسْعَ وَعِشْرِينَ وَآخِرُ
لَيْلَةٍ مِنْ رَمَضَانَ.

[قَالَ أَبُو عِيسَى:] قَالَ الشَّافِعِيُّ كَانَ هَذَا
عِنْدِي وَاللَّهِ أَعْلَمُ أَنَّ النَّبِيَّ ﷺ كَانَ يُجِيبُ
عَلَى نَحْوِ مَا يُسْأَلُ عَنْهُ. يُقَالُ لَهُ: نَلْتَمِسُهَا
فِي لَيْلَةٍ كَذَا فَيَقُولُ: الْتَمِسُوهَا فِي لَيْلَةٍ كَذَا.
قَالَ الشَّافِعِيُّ: وَأَقْوَى الرِّوَايَاتِ عِنْدِي فِيهَا
لَيْلَةٌ إِحْدَى وَعِشْرِينَ.

قَالَ أَبُو عِيسَى: وَقَدْ رَوَى عَنْ أَبِي بِنِ
كَعْبٍ أَنَّهُ كَانَ يَحْلِفُ أَنَّهَا لَيْلَةٌ سَبْعَ وَعِشْرِينَ
وَيَقُولُ: أَخْبَرَنَا رَسُولُ اللَّهِ ﷺ بِعَلَامَتِهَا
فَعَدَدْنَا وَحَفِظْنَا وَرَوَى عَنْ أَبِي قِلَابَةَ أَنَّهُ
قَالَ: لَيْلَةُ الْقَدْرِ تَنْتَقِلُ فِي الْعَشْرِ الْأَوَاخِرِ،
أَخْبَرَنَا بِذَلِكَ عَبْدُ بْنُ حُمَيْدٍ: حَدَّثَنَا عَبْدُ
الرَّزَّاقِ عَنْ مَعْمَرٍ، عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ
بِهَذَا.

تخريج: متفق عليه، أخرجه البخاري، فضل ليلة القدر، باب تحرى ليلة القدر في الوتر من العشر الأواخر، ح: ٢٠٢٠ من حديث عبدة ومسلم، الصيام، باب فضل ليلة القدر والحث على طلبها ... إلخ، ح: ١١٦٩ من حديث هشام بن عروة به * وفي الباب عن عمر [أحمد: ١٤/١، ٤٣ وابن خزيمة، ح: ٧٣، ٧٤، ٢١٧٢] وأبي بن كعب [يأتي: ٧٩٣] وجابر بن سمرة [أحمد: ٨٨، ٨٦/٥] وجابر بن عبد الله [أحمد: ٣٣٦/٣ وابن خزيمة، ح: ٢١٩٠] وابن عمر [البخاري، ح: ٢٠١٥ ومسلم، ح: ١١٦٥] والفلتان بن عاصم [ابن أبي شيبه: ٥١٤، ٥١٥] وأنس

[أحمد: ٢٣٤/٣ والموطأ: ٣٢٠/١] وأبي سعيد [البخاري، ح: ٢٠١٨ ومسلم، ح: ١١٦٧] وعبدالله ابن أنيس [مسلم، ح: ١١٦٨] وأبي بكرة [بأني: ٧٩٤] وابن عباس [البخاري، ح: ٢٠٢١] وبلال [أحمد: ١٢/٦] وعبادة بن الصامت [البخاري، ح: ٢٠٢٣] * حديث أبي بن كعب وأخرجه مسلم، ح: ٢٢٠٧/٧٦٢ (الصيام) أثر أبي قلابه: سنده صحيح.

Comments:

In the light of Qur'ān and the authentic *Ahādīth*, the Night of Power occurs in Ramaḍān, in the odd number nights of last ten days, and it keeps changing and most likely it is the twenty-seventh.

793. Zirr said: "I said to Ubayy bin Ka'b: 'O Abū Al-Mundhir! How do you know that it is the night of the twenty-seventh?' He said: 'Rather, the Messenger of Allāh ﷺ informed us that it is a night (after which) the sun rises without rays, so we counted and we remembered it. By Allāh! Ibn Mas'ūd learned that it is in Ramaḍān and that it is the night of the twenty-seventh, but he did not want to inform you lest you would depend on it.'" (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

٧٩٣ - حَدَّثَنَا وَاصِلُ بْنُ عَبْدِ الْأَعْلَى الْكُوفِيُّ: حَدَّثَنَا أَبُو بَكْرِ بْنُ عَبَّاسٍ عَنْ عَاصِمٍ، عَنْ زَيْرٍ قَالَ: قُلْتُ لِأُبَيِّ بْنِ كَعْبٍ: أَتَى عَلِمْتَ أَبَا الْمُنْذِرِ أَنَّهَا لَيْلَةٌ سَبْعٌ وَعِشْرِينَ؟ قَالَ: بَلَى، أَخْبَرَنَا رَسُولُ اللَّهِ ﷺ أَنَّهَا لَيْلَةٌ، صَبَحَتْهَا تَطْلُعُ الشَّمْسُ لَيْسَ لَهَا شُعَاعٌ، فَعَدَدْنَا وَحَفِظْنَا، وَاللَّهِ! لَقَدْ عَلِمَ ابْنُ مَسْعُودٍ أَنَّهَا فِي رَمَضَانَ وَأَنَّهَا لَيْلَةٌ سَبْعٌ وَعِشْرِينَ وَلَكِنْ كَرِهَ أَنْ يُخْبِرَكُمْ فَتَنَكَّلُوا. قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: وأخرجه مسلم، الصيام، باب فضل ليلة القدر والحث على طلبها ... إلخ، ح: ٢٢٠٧/٧٦٢ من حديث عاصم بن أبي النجود به.

Comments:

'Abdullāh bin Mas'ūd used to tell his pupils that only that blessed person will have the Night of Power who performs late night prayer during the whole year. His objective of this was that they would perform late night prayer the whole year to seek and achieve the Night of Power.

794. 'Uyainah bin 'Abdur-Raḥmān narrated: "My father narrated to me: 'The Night of *Al-Qadr* was mentioned in the presence of Abū Bakrah, so he said: "I do not search for it due to something that I heard from the Messenger of

٧٩٤ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا عُيَيْنَةُ بْنُ عَبْدِ الرَّحْمَنِ قَالَ: حَدَّثَنِي أَبِي قَالَ: ذُكِرَتْ لَيْلَةُ الْقَدْرِ عِنْدَ أَبِي بَكْرَةَ فَقَالَ: مَا أَنَا بِمُتَمَسِّهَا لِشَيْءٍ سَمِعْتُهُ مِنْ رَسُولِ اللَّهِ ﷺ إِلَّا فِي الْعَشْرِ

Allāh ﷺ, except for during the last ten (nights); for indeed I heard him say: ‘Search for it when nine remain, or; when seven remain, or; when five remain, or; during the last three nights.’” He (‘Uyainah) said: “During the twenty (nights) of Ramaḍān, Abū Bakrah used to perform *Ṣalāt* just as he performed *Ṣalāt* during the rest of the year. But when the (last) ten began, he would struggle (performing more *Ṣalāt* during the night).” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

الْأَوَاخِرِ فَإِنِّي سَمِعْتُهُ يَقُولُ: « التَّمَسُّوْهَا فِي تِسْعٍ يَبْقَيْنَ، أَوْ [فِي] سَبْعٍ يَبْقَيْنَ، أَوْ [فِي] خَمْسٍ يَبْقَيْنَ، أَوْ [فِي] ثَلَاثٍ أَوْ آخِرِ لَيْلَةٍ. قَالَ: وَكَانَ أَبُو بَكْرَةَ يُصَلِّي فِي الْعِشْرِينَ مِنْ رَمَضَانَ كَصَلَاتِهِ فِي سَائِرِ السَّنَةِ، فَإِذَا دَخَلَ الْعِشْرُ اجْتَهِدَ.

قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: [إسناده صحيح] وأخرجه النسائي في الكبرى، ح: ٣٤٠٤ عن حميد بن مسعدة به وصححه ابن خزيمة، ح: ٢١٧٥ وابن حبان (الإحسان): ٣٦٧٨ والحاكم: ٤٣٨/١ ووافقه الذهبي.

Comments:

This *Ḥadīth* of Abū Bakrah means: seek the Night of Power on 21st, 23rd, 25th, 27th and 29th night of Ramaḍān.

Chapter 73. Something Else About That

795. ‘Alī narrated: “The Prophet ﷺ would awaken his family during the last ten (nights) of Ramaḍān.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

(المعجم ٧٣) - بَابُ: مِنْهُ (التحفة ٧٣)

٧٩٥ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي إِسْحَاقَ، عَنْ هُبَيْرَةَ بْنِ يَرِيمَ، عَنْ عَلِيٍّ: أَنَّ النَّبِيَّ ﷺ كَانَ يُوقِظُ أَهْلَهُ فِي الْعِشْرِ الْآخِرِ مِنْ رَمَضَانَ. قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: [صحيح] وأخرجه أحمد: ١٤٨/١ عن وكيع به وسنده ضعيف وله شواهد كثيرة عند البخاري (٢٠٢٤) ومسلم (١١٧٤) وغيرهما.

796. ‘Āishah narrated: “The Messenger of Allāh ﷺ would struggle (to perform *Ṣalāt* more) during the last ten (nights) more than he would struggle in the rest of it.” (*Ṣaḥīḥ*)

٧٩٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْوَاحِدِ ابْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ عُبَيْدِ اللَّهِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ:

Abū 'Eisā said: This *Hadīth* is *Hasan Gharīb*.

كَانَ رَسُولُ اللَّهِ ﷺ يَجْتَهِدُ فِي الْعَشْرِ الْآخِرِ
مَا لَا يَجْتَهِدُ فِي غَيْرِهَا.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ
صَحِيحٌ

تخريج: وأخرجه مسلم، الاعتكاف، باب الاجتهاد في العشر الأواخر من شهر رمضان،
ح: ١١٧٥ عن قتيبة به.

Comments:

The last ten days of Ramaḍān are the days of *I'tikāf* and the Night of Power. Therefore the Prophet ﷺ himself would take a great care of it, he would awake his wives, the Mothers of the Believers, and also urged others to do so.

Chapter 74. What Has Been Related About Fasting During the Winter

(المعجم ٧٤) - بَابُ مَا جَاءَ
فِي الصَّوْمِ فِي الشِّتَاءِ
(التحفة ٧٤)

797. 'Āmir bin Mas'ūd narrated that the Prophet ﷺ said: "Fasting during the winter is an easy reward." (*Da'īf*)

Abū 'Eisā said: This *Hadīth* is *Mursal*, 'Āmir bin Mas'ūd did not see the Prophet ﷺ. He was the son of Ibrāhīm bin 'Āmir Al-Qurashī, the one that *Shu'bah* and *Ath-Thawrī* report from.

٧٩٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا
يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي
إِسْحَاقَ، عَنْ نُمَيْرِ بْنِ غَرِيبٍ، عَنْ عَامِرِ بْنِ
مَسْعُودٍ عَنِ النَّبِيِّ ﷺ قَالَ: «الْغَنِيمَةُ الْبَارِدَةُ
الصَّوْمِ فِي الشِّتَاءِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ مُرْسَلٌ.
عَامِرُ بْنُ مَسْعُودٍ لَمْ يُدْرِكِ النَّبِيَّ ﷺ وَهُوَ وَالِدُ
إِبْرَاهِيمَ بْنِ عَامِرٍ الْقُرَشِيِّ الَّذِي رَوَى عَنْهُ
سُعْبَةُ وَالثَّوْرِيُّ.

تخريج: [إسناده ضعيف] وأخرجه أحمد: ٣٣٥/٤ من حديث سفیان الثوري به وأورده
الضياء في المختارة وصححه ابن خزيمة، ح: ٢١٤٥ وقال البيهقي (٢٩٧/٤): "هذا مرسل" وله
شواهد ضعيفة وأخرج البيهقي بإسناد صحيح عن أبي هريرة قال: "الغنيمة الباردة، الصوم في
الشتاء".

Comments:

A person observing fasts in winter does not face the pang of thirst and hunger, but he gets full reward and virtues, so the Prophet ﷺ stated it like the spoils of war gained without a hurdle.

Chapter 75. What Has Been Related About: “And For Those Upon Whom It Is Difficult.”^[1]

798. Salamah bin Al-Akwa' said: “When the following was revealed: ‘And for those upon whom it is difficult, (they may) feed a poor person’ – if one of us wanted to we would not fast, and pay the ransom, until the *Āyah* after it was revealed abrogating it.” (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ Gharīb*. Yazīd (one of the narrators) is Ibn Abī 'Ubad, the freed slave of Salamah bin Al-Akwa'.

(المعجم ٧٥) - بَابُ مَا جَاءَ ﴿وَعَلَى الَّذِينَ يُطِيقُونَهُ﴾ (التحفة ٧٥)

٧٩٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا بَكْرُ بْنُ مُضَرَ عَنْ عَمْرِو بْنِ الْحَارِثِ، عَنْ بُكَيْرِ [بْنِ عَبْدِ اللَّهِ بْنِ الْأَشَّجِ]، عَنْ يَزِيدَ مَوْلَى سَلَمَةَ بْنِ الْأَكْوَعِ، عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ قَالَ: لَمَّا نَزَلَتْ ﴿وَعَلَى الَّذِينَ يُطِيقُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٍ﴾ كَانَ مَنْ أَرَادَ مِنَّا أَنْ يُفْطِرَ وَيَقْتَدِيَ حَتَّى نَزَلَتْ الْآيَةُ الَّتِي بَعْدَهَا فَسَخَّطَهَا. قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ وَيَزِيدُ هُوَ ابْنُ أَبِي عُبَيْدٍ مَوْلَى سَلَمَةَ بْنِ الْأَكْوَعِ.

تخريج: متفق عليه، وأخرجه البخاري، التفسير، سورة البقرة، باب: ﴿فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ﴾ ح: ٤٥٠٧، ومسلم، الصيام، باب بيان نسخ قول الله تعالى: ﴿وَعَلَى الَّذِينَ يُطِيقُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٍ...﴾ إلخ، ح: ١١٤٥ عن قتيبة به.

Comments:

According to the majority, it was allowed in the early era of Islam for the people who were able to fast, instead of fasting, if they want to feed a poor person for each day as ransom, they could do so. Later this rule was abrogated by the following Verse which is: ‘So, whoever of you sights (the crescent on the first night of) the month (of Ramaḍān) must observe fast that month.

Chapter 76. What Has Been Related About the One Who Ate And Then Went Out To Travel

799. Muḥammad bin Ka'b narrated: “I went to Anas bin Mālik during Ramaḍān and he was about to travel. His mount was prepared for him, and he put on

(المعجم ٧٦) - بَابُ مَا جَاءَ فِيمَنْ أَكَلَ ثُمَّ خَرَجَ يُرِيدُ سَفَرًا (التحفة ٧٦)

٧٩٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ جَعْفَرٍ عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ مُحَمَّدِ بْنِ الْمُثَنَّدِ، عَنْ مُحَمَّدِ بْنِ كَعْبٍ أَنَّهُ قَالَ: أَتَيْتُ أَنَسَ بْنَ مَالِكٍ فِي رَمَضَانَ وَهُوَ يُرِيدُ سَفَرًا

^[1] *Al-Baqarah* 2:184.

his traveling clothes, then he called for some food to eat, and I said to him: 'Is it *Sunnah*?' He said: 'It is *Sunnah*.' Then he rode." (*Ṣaḥīḥ*)

وَقَدْ رُحِلْتُ لَهُ رَاحِلَتُهُ، وَلَيْسَ ثِيَابَ السَّفَرِ
فَدَعَا بِطَعَامٍ فَأَكَلَ فَقُلْتُ لَهُ: سُنَّةٌ؟ فَقَالَ:
سُنَّةٌ، ثُمَّ رَكِبَ.

تخريج: [صحيح] عبدالله بن جعفر المدني تابعه محمد بن جعفر، انظر الحديث الآتي.

800. (Another chain) from Muḥammad bin Ka'b who said: "I went to Anas bin Mālik during Ramaḍān" and he mentioned a similar narration (as no. 799). (*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Ḥadīth* is *Ḥasan*. Muḥammad bin Ja'far (one of the narrators) is Ibn Abī Kathīr, (he is) from Al-Madīnah and trustworthy, and he is the brother of Ismā'il bin Ja'far. 'Abdullāh bin Ja'far is Ibn Najīḥ the father of 'Alī bin Al-Madīnī, Yaḥya bin Ma'in graded him weak.

Some of the people of knowledge followed this *Ḥadīth*, they said that the traveler breaks his fast at his home before he leaves, and he is not to shorten his *Ṣalāt* until he leaves beyond the walls of his city or village. This is the saying of Iṣḥāq bin Ibrāhīm (Al-Ḥanḑalī).

٨٠٠ - حَدَّثَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ:
حَدَّثَنَا سَعِيدُ بْنُ أَبِي مَرْيَمَ: حَدَّثَنَا مُحَمَّدُ بْنُ
جَعْفَرٍ قَالَ: حَدَّثَنِي زَيْدُ بْنُ أَسْلَمَ قَالَ:
حَدَّثَنِي مُحَمَّدُ بْنُ الْمُكَدَّرِ عَنْ مُحَمَّدِ بْنِ
كَعْبٍ قَالَ: أَتَيْتُ أَنَسَ بْنَ مَالِكٍ فِي رَمَضَانَ.
فَذَكَرَ نَحْوَهُ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ
وَمُحَمَّدُ بْنُ جَعْفَرٍ هُوَ ابْنُ أَبِي كَثِيرٍ [هُوَ]
مَدِينِيٌّ ثِقَةٌ وَهُوَ أَخُو إِسْمَاعِيلَ بْنِ جَعْفَرٍ،
وَعَبْدُ اللَّهِ بْنُ جَعْفَرٍ هُوَ ابْنُ نَجِيحٍ وَالِدُ عَلِيِّ
ابْنِ الْمَدِينِيِّ، وَكَانَ يَحْيَى بْنُ مَعِينٍ يُضَعِّفُهُ،
وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ إِلَى هَذَا الْحَدِيثِ
وَقَالُوا لِلْمُسَافِرِ أَنْ يُفْطِرَ فِي بَيْتِهِ قَبْلَ أَنْ
يَخْرُجَ وَلَيْسَ لَهُ أَنْ يَقْصُرَ الصَّلَاةَ حَتَّى يَخْرُجَ
مِنْ جِدَارِ الْمَدِينَةِ أَوْ الْقَرْيَةِ، وَهُوَ قَوْلُ
إِسْحَاقَ بْنِ إِبْرَاهِيمَ [الْحَنْظَلِيِّ].

تخريج: [إسناده صحيح] وأخرجه البيهقي: ٢٤٧/٤ من حديث سعيد بن أبي مريم به.

Comments:

There is disagreement about whether a traveler can eat and break the fast at home before commencing the journey or not. Imām Abū Ḥanīfah, Mālik, Shāfi'ī, Awzā'ī and the majority hold the opinion that on the day of setting off for journey he should leave fasting and he is not allowed to eat at home at the time of setting off. According to Imām Aḥmad and Iṣḥāq in the light of this *Ḥadīth*, he may leave after eating at home, but Imām Ibn Qudāmah explained the view of Imām Aḥmad that the traveler cannot eat before leaving behind the boundary of his town.

Chapter 77. What Has Been Related About The Gift For The Fasting Person

801. Al-Ḥasan bin ‘Alī narrated that the Messenger of Allāh ﷺ said: “The gift for the fasting person is (fragrant) oil and a censer.”^[1] (*Da‘if*)

Abū ‘Eīsā said: This *Hadīth* is *Gharīb*, its chain is not strong and we do not know of it except as a narration of Sa’d bin Ṭarīf. Sa’d (bin Ṭarīf) was graded weak, and they call (one of the narrators) ‘Umair bin Ma’mūn ‘Umair bin Ma’mūm as well.

تخريج: [إسناده ضعيف جدًا] وأخرجه الطبراني في الكبير: ٨٩/٣، ح: ٢٧٥١ من حديث أبي معاوية به، سعد بن طريف متروك، وعمر بن مأمون: مجهول الحال.

Chapter 78. What Has Been Related About When (The Days Of) *Al-Fiṭr* And *Al-Adḥā* Are

802. ‘Āishah narrated that the Messenger of Allāh ﷺ said: “*Al-Fiṭr* is the day that the people break the fast, and *Al-Adḥā* is the day that the people sacrifice.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: I asked Muḥammad: “Did Muḥammad bin Al-Munkadir hear from ‘Āishah?” He said: “Yes, he said in his narration: ‘I heard ‘Āishah.’”

Abū ‘Eīsā said: This *Hadīth* is *Ḥasan Gharīb Ṣaḥīḥ* from this route.

(المعجم ٧٧) - بَابُ مَا جَاءَ فِي تُحَفِّهِ

الصَّائِمِ (التحفة ٧٧)

٨٠١ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ سَعْدِ بْنِ طَرِيفٍ، عَنْ عُمَيْرِ بْنِ مَأْمُونٍ، عَنِ الْحَسَنِ بْنِ عَلِيٍّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «تُحَفُّ الصَّائِمِ الدُّهْنُ وَالْمِجْمَرُ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ لَيْسَ إِسْنَادُهُ بِذَلِكَ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ سَعْدِ بْنِ طَرِيفٍ. وَسَعْدُ [بْنِ طَرِيفٍ] يُضَعَّفُ وَيُقَالُ عُمَيْرُ ابْنُ مَأْمُومٍ أَيْضًا.

(المعجم ٧٨) - بَابُ مَا جَاءَ فِي الْفِطْرِ

وَالْأَضْحَى مَتَى يَكُونُ (التحفة ٧٨)

٨٠٢ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى: حَدَّثَنَا يَحْيَى بْنُ الْيَمَانِ عَنْ مَعْمَرٍ، عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْفِطْرُ يَوْمٌ يُفْطِرُ النَّاسُ وَالْأَضْحَى يَوْمٌ يُضْحِي النَّاسُ».

قَالَ أَبُو عِيسَى: سَأَلْتُ مُحَمَّدًا قُلْتُ لَهُ: مُحَمَّدُ بْنُ الْمُنْكَدِرِ سَمِعَ مِنْ عَائِشَةَ؟ قَالَ: نَعَمْ يَقُولُ فِي حَدِيثِهِ سَمِعْتُ عَائِشَةَ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ صَحِيحٌ مِنْ هَذَا الْوَجْهِ.

^[1] That is an incense burner. See *Tuḥfat Al-Aḥwadhī*.

تخريج: [صحيح] وهو في شرح السنة للبغوي: ٢٤٧/٦، ح: ١٧٢٥ من طريق الترمذي به وللحديث شواهد كثيرة انظر، ح: ٦٩٧.

Comments:

The objective of this *Hadīth* is that the unity should be maintained to celebrate the days of 'Eid; one should not be stubborn about one's own personal and individual opinion. The people should start fasting all together and celebrate 'Eid all together.

Chapter 79. What Has Been Related About When One Leaves From *I'tikāf*

(المعجم ٧٩) - بَابُ مَا جَاءَ فِي
الِإِعْتِكَافِ إِذَا خَرَجَ مِنْهُ (التحفة ٧٩)

803. Anas bin Mālik narrated: "The Prophet ﷺ would perform *I'tikāf* during the last ten (nights) of Ramaḍān. One year he did not perform *I'tikāf*, so he performed *I'tikāf* for twenty (nights) in the following year." (*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Hadīth* is *Hasan Gharīb Ṣaḥīḥ*, as a narration of Anas (bin Mālik).

The people of knowledge differ over the case of one who is performing *I'tikāf* and he severs his *I'tikāf* before completing what he intended. Some of the people of knowledge said that when he invalidates his *I'tikāf* then it is required for him to make it up. They argue using the *Hadīth*: "The Prophet ﷺ left his *I'tikāf*, so he performed *I'tikāf* during ten (nights) of Shawwāl." This is the view of Mālik. Some of them said: If he did not take a vow to perform *I'tikāf*, or something that would make it obligatory upon him, and it is voluntary and he leaves, then it is not required for him to make it up, otherwise it would be required

٨٠٣ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا
ابْنُ أَبِي عَدِيٍّ قَالَ: أَنْبَأَنَا حَمِيدُ الطَّوِيلُ عَنْ
أَنْسِ بْنِ مَالِكٍ قَالَ: كَانَ النَّبِيُّ ﷺ يَتَكَبَّرُ
فِي الْعَشْرِ الْأَوَّلِ مِنْ رَمَضَانَ، فَلَمْ يَتَكَبَّرْ
عَامًا، فَلَمَّا كَانَ فِي الْعَامِ الْمُقْبِلِ اعْتَكَفَ
عَشْرِينَ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ
غَرِيبٌ صَحِيحٌ مِنْ حَدِيثِ أَنْسِ بْنِ
مَالِكٍ، وَاخْتَلَفَ أَهْلُ الْعِلْمِ فِي الْمُتَكَبِّرِ
إِذَا قَطَعَ اعْتِكَافَهُ قَبْلَ أَنْ يُيَمِّمَهُ عَلَى مَا
نَوَى، فَقَالَ بَعْضُ أَهْلِ الْعِلْمِ إِذَا تَقَضَّى
اعْتِكَافَهُ وَجَبَ عَلَيْهِ الْقَضَاءُ، وَاحْتَجُّوا
بِالْحَدِيثِ: أَنَّ النَّبِيَّ ﷺ خَرَجَ مِنْ اعْتِكَافِهِ
فَاعْتَكَفَ عَشْرًا مِنْ شَوَّالٍ، وَهُوَ قَوْلُ
مَالِكٍ. وَقَالَ بَعْضُهُمْ: إِنْ لَمْ يَكُنْ عَلَيْهِ
نَذْرٌ اعْتِكَافٍ أَوْ شَيْءٍ أَوْجَبَهُ عَلَى نَفْسِهِ
وَكَانَ مُطَوَّعًا فَخَرَجَ فَلَيْسَ عَلَيْهِ أَنْ
يَقْضِيَ، إِلَّا أَنْ يُجِبَّ ذَلِكَ اخْتِيَارًا مِنْهُ وَلَا
يُجِبُّ ذَلِكَ عَلَيْهِ. وَهُوَ قَوْلُ الشَّافِعِيِّ.

from him by his own choice, not because it was obligatory upon him. This is the view of Ash-Shāfi'ī .

Ash-Shāfi'ī said: "For every deed that you do not have to begin; if you do begin it, then leave it, then it is not required from you to make it up, except for *Hajj* and 'Umrah."

And there is something narrated on this topic from Abū Hurairah.

قَالَ الشَّافِعِيُّ: وَكُلُّ عَمَلٍ لَكَ أَنْ لَا تَدْخُلَ فِيهِ، فَإِذَا دَخَلْتَ فِيهِ فَخَرَجْتَ مِنْهُ فَلَيْسَ عَلَيْكَ أَنْ تَقْضِيَ إِلَّا الْحَجَّ وَالْعُمْرَةَ، وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ.

تخريج: [صحيح] وأخرجه ابن خزيمة، ح: ٢٢٢٦ عن محمد بن بشار، وأحمد: ١٠٤/٣ من حديث محمد بن أبي عدي به وللحديث شواهد كثيرة عند البخاري، ح: ٢٠٤٤ وغيره * وفي الباب عن أبي هريرة [البخاري، ح: ٢٠٤٤].

Comments:

Making up a violated *I'tikāf* is compulsory and in case of violating a voluntary *I'tikāf*, making it up is not compulsory.

Chapter 80. What Has Been Related About: Can The One Performing *I'tikāf* Leave For His Needs Or Not ?

804. 'Aishah narrated: "When the Messenger of Allāh ﷺ performed *I'tikāf*, he would bring his head near me so I could comb it, and he would not enter the house except for some personal needs." (*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*. This is how it was reported by others from Mālik bin Anas, from Ibn Shihāb, [from 'Urwah, and 'Amrah, from 'Aishah. Some of them reported it from Mālik, from Ibn Shihāb], from 'Urwah, from 'Amrah, from 'Aishah. What is correct is from 'Urwah and 'Amrah from 'Aishah.

(المعجم ٨٠) - بَابُ الْمُتَكَيِّفِ يَخْرُجُ لِحَاجَتِهِ أَمْ لَا؟ (التحفة ٨٠)

٨٠٤ - حَدَّثَنَا أَبُو مُصْعَبٍ الْمَدَنِيُّ قِرَاءَةً عَنْ مَالِكِ بْنِ أَنَسٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ وَعُمَرَةَ، عَنْ عَائِشَةَ أَنَّهَا قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا اعْتَكَفَ أَذْنَى إِلَيَّ رَأْسَهُ فَأَرْجُلَهُ، وَكَانَ لَا يَدْخُلُ الْبَيْتَ إِلَّا لِحَاجَةٍ الْإِنْسَانِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، هَكَذَا رَوَاهُ غَيْرُ وَاحِدٍ عَنْ مَالِكِ ابْنِ أَنَسٍ، عَنِ ابْنِ شِهَابٍ [عَنْ عُرْوَةَ وَعُمَرَةَ، عَنْ عَائِشَةَ وَرَوَاهُ بَعْضُهُمْ عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ]، عَنْ عُرْوَةَ، عَنْ

This is how it was reported by Al-Laiṭh bin Sa'd from Ibn Shihāb, from 'Urwah and 'Amrah, from 'Āishah.

عُمَرَةَ، عَنْ عَائِشَةَ وَالصَّحِيحِ عَنْ عُرْوَةَ وَعُمَرَةَ، عَنْ عَائِشَةَ.

هَكَذَا رَوَى اللَّيْثُ بْنُ سَعْدٍ عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ وَعُمَرَةَ، عَنْ عَائِشَةَ.

تخريج: [صحيح] وأخرجه البغوي في شرح السنة: ٣٩٧/٦، ح: ١٨٣٦ من طريق أبي مصعب به وهو في الموطأ (رواية أبي مصعب: ٣٣١/١، ح: ٨٦٠) والحديث في الموطأ (رواية يحيى: ٣١٢/١) وصحيح مسلم، ح: ٢٩٧ باختصار، من حديث عروة بن الزبير عن عمرة بنت عبد الرحمن عن عائشة به وحديث الليث يأتي بعده.

805. That was narrated to us by Qutaibah from Al-Laiṭh (a similar narration as no. 804) (*Ṣaḥīh*)

This is acted upon according to the people of knowledge. When a man performs *Al-I'tikāf*, he is not to leave his *I'tikāf* except for some personal needs. They agree upon this: He goes out to relieve himself from defecation and urination. Then the people of knowledge differ about visiting the sick, attending the Friday prayer, and the funeral for the person performing *I'tikāf*. Some of the people of knowledge among the Companions of the Prophet ﷺ, and others, held the view that he may visit the sick, follow the funeral and attend the Friday prayer as long as he made that a condition (before entering the state of *I'tikāf*). This is the view of Sufyān Ath-Thawrī and Ibn Al-Mubārak. Some of them said that he can not do any of that, and they thought that if a person is in a land where the Friday prayer is held, then he is not to perform *I'tikāf*

٨٠٥ - حَدَّثَنَا بِذَلِكَ قُتَيْبَةُ عَنِ اللَّيْثِ وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ إِذَا اعْتَكَفَ الرَّجُلُ أَنْ لَا يَخْرُجَ مِنْ اعْتِكَافِهِ إِلَّا لِحَاجَةِ الْإِنْسَانِ وَأَجْمَعُوا عَلَى هَذَا أَنَّهُ يَخْرُجُ لِقَضَاءِ حَاجَتِهِ لِلْغَائِطِ وَالْبَوْلِ، ثُمَّ اخْتَلَفَ أَهْلُ الْعِلْمِ فِي عِيَادَةِ الْمَرِيضِ وَشُهُودِ الْجُمُعَةِ وَالْجَنَازَةِ لِلْمُعْتَكِفِ، فَرَأَى بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ أَنَّ يَعُودَ الْمَرِيضَ وَيُسَبِّحَ الْجَنَازَةَ وَيَشْهَدُ الْجُمُعَةَ إِذَا اشْتَرَطَ ذَلِكَ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَابْنِ الْمُبَارَكِ وَقَالَ بَعْضُهُمْ: لَيْسَ لَهُ أَنْ يَفْعَلَ شَيْئًا مِنْ هَذَا وَرَأَوْا لِلْمُعْتَكِفِ إِذَا كَانَ فِي مَضَرٍ يُجْمَعُ فِيهِ أَنْ لَا يَعْتَكِفَ إِلَّا فِي الْمَسْجِدِ الْجَامِعِ لِأَنَّهُمْ كَرِهُوا الْخُرُوجَ لَهُ مِنْ مُعْتَكِفِهِ إِلَى الْجُمُعَةِ، وَلَمْ يَرَوْا لَهُ أَنْ يَتْرَكَ الْجُمُعَةَ فَقَالُوا: لَا يَعْتَكِفُ إِلَّا فِي الْمَسْجِدِ الْجَامِعِ حَتَّى لَا يَحْتَاجَ أَنْ يَخْرُجَ مِنْ مُعْتَكِفِهِ لِغَيْرِ قَضَاءِ حَاجَةِ الْإِنْسَانِ لِأَنَّ خُرُوجَهُ لِغَيْرِ حَاجَةٍ

except in the Friday prayer *Masjid*, because they consider it disliked for him to leave his place of *I'tikāf* to go to the Friday prayer. They do not think that he should miss the Friday prayer, so they said that one is not to perform *I'tikāf* except in the Friday prayer *Masjid*, so that he will have no need to leave his place of *I'tikāf* except to relieve himself and for his personal needs. This is because in their view, leaving it for other than his personal needs will sever his *I'tikāf*. This is the saying of Mālik and Ash-Shāfi'ī. Aḥmad said that he does not visit the sick nor follow the funeral based upon the *Hadīth* of 'Aīshah. Ishāq said that if he makes it a condition then he can follow the funeral and visit the sick.

تَخْرِيج: متفق عليه، وأخرجه البخاري، الاعتكاف، باب: لا يدخل البيت إلا لحاجة، ح: ٢٠٢٩ ومسلم، الحيض، باب جواز غسل الحائض رأس زوجها ... إلخ، ح: ٢٩٧/٧ عن قتيبة به وانظر الحديث السابق.

Comments:

If a mosque does not have the facilities, like: toilets, washing place, privacy, and facility for taking a bath due to sexual impurity, according to the consensus the person making *I'tikāf* is allowed to leave the mosque for these matters. If a mosque has these facilities then he is not allowed to leave the mosque.

Chapter 81. What Has Been Related About Standing (In The Night Prayer) During The Month Of Ramaḍān

806. Abū Dharr narrated: “We fasted with the Prophet ﷺ, so he did not pray (the night prayer) with us until seven (nights) of the month remained. Then he ﷺ led us in prayer until a third of the night had gone, then he did not lead us in

الإنسان، قَطَعَ عَنْهُمْ للاِعْتِكَافِ، هُوَ قَوْلُ مَالِكٍ وَالشَّافِعِيِّ. وَقَالَ أَحْمَدُ: لَا يَعُودُ الْمَرِيضَ وَلَا يَتَّبِعُ الْجَنَازَةَ عَلَى حَدِيثِ عَائِشَةَ. وَقَالَ إِسْحَاقُ: إِنْ اشْتَرَطَ ذَلِكَ فَلَهُ أَنْ يَتَّبِعَ الْجَنَازَةَ وَيَعُودَ الْمَرِيضَ.

(المعجم ٨١) - بَابُ مَا جَاءَ فِي قِيَامِ شَهْرِ رَمَضَانَ (التحفة ٨١)

٨٠٦ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا مُحَمَّدُ بْنُ الْفَضْلِ عَنْ دَاوُدَ بْنِ أَبِي هِنْدٍ، عَنِ الْوَلِيدِ ابْنِ عَبْدِ الرَّحْمَنِ الْجُرَشِيِّ، عَنْ جُبَيْرِ بْنِ نُفَيْرٍ، عَنْ أَبِي ذَرٍّ قَالَ: صُمْنَا مَعَ رَسُولِ اللَّهِ ﷺ فَلَمْ يُصَلِّ بِنَا حَتَّى بَقِيَ سَبْعٌ مِنَ

prayer on the sixth. Then he led us in prayer on the fifth until half of the night had gone. We said to him: 'O Messenger of Allāh! Wouldn't you lead us in prayer for the remainder of the night?' He said: 'Indeed, whoever stands (praying) with the *Imām* until he finishes, then it is recorded for him that he prayed the whole night.' Then he did not lead us in prayer until three (nights) of the month remained. Then he led us in prayer on the third and he called his family and his women to pray with us until we feared missing the *Falāḥ*" I (Jubair bin Nufair) said to him: "What is the *Falāḥ*?" He said: "The *Suḥūr*." (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. The people of knowledge differ over the night prayer of Ramaḍān. Some of them thought that it is to be prayed in forty-one *Rak'ah* with *Witr*. This is the view of the people of Al-Madinah, and this is what is acted upon by them in Al-Madinah. Most of the people of knowledge follow what is reported from 'Alī, 'Umar, and others among the Companions of the Prophet ﷺ that it is twenty *Rak'ah*. This is the saying of Sufyān Ath-Thawrī, Ibn Al-Mubārak and Ash-Shāfi'ī. Ash-Shāfi'ī said: "This is what I see in our land in Makkah; they pray twenty *Rak'ah*." Aḥmad said: "There is a variety reported about this." He did not judge according to any of them. Ishāq said: "Rather we prefer forty-one *Rak'ah*

الشَّهْرِ فَقَامَ بِنَا حَتَّى ذَهَبَ ثُلُثُ اللَّيْلِ ثُمَّ لَمْ يَثْمُ بِنَا فِي السَّادِسَةِ وَقَامَ بِنَا فِي الْخَامِسَةِ حَتَّى ذَهَبَ شَطْرُ اللَّيْلِ. فَقُلْنَا لَهُ: يَا رَسُولَ اللَّهِ لَوْ نَقَلْتَنَا بَقِيَّةَ لَيْلَتِنَا هَذِهِ؟ فَقَالَ: «إِنَّهُ مَنْ قَامَ مَعَ الْإِمَامِ حَتَّى يَنْصَرِفَ كُتِبَ لَهُ قِيَامٌ لَيْلَةً». ثُمَّ لَمْ يُصَلِّ بِنَا حَتَّى بَقِيَ ثَلَاثٌ مِنَ الشَّهْرِ وَصَلَّى بِنَا فِي الثَّالِثَةِ وَدَعَا أَهْلَهُ وَنِسَاءَهُ فَقَامَ بِنَا حَتَّى تَخَوَّفْنَا الْفَلَاحَ، قُلْتُ لَهُ: وَمَا الْفَلَاحُ؟ قَالَ: «السُّحُور».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَاخْتَلَفَ أَهْلُ الْعِلْمِ فِي قِيَامِ رَمَضَانَ، فَرَأَى بَعْضُهُمْ أَنْ يُصَلِّيَ إِحْدَى وَأَرْبَعِينَ رَكْعَةً مَعَ الْوُثْرِ، وَهُوَ قَوْلُ أَهْلِ الْمَدِينَةِ، وَالْعَمَلُ عَلَى هَذَا عِنْدَهُمْ بِالْمَدِينَةِ. وَأَكْثَرُ أَهْلِ الْعِلْمِ عَلَى مَا رَوَى عَنْ عَلِيٍّ وَعُمَرَ وَغَيْرِهِمَا مِنْ أَصْحَابِ النَّبِيِّ ﷺ عَشْرِينَ رَكْعَةً، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَابْنِ الْمُبَارَكِ وَالشَّافِعِيِّ. وَقَالَ الشَّافِعِيُّ: وَهَكَذَا أَدْرَكْتُ بِبَلَدِنَا بِمَكَّةَ، يُصَلُّونَ عَشْرِينَ رَكْعَةً. وَقَالَ أَحْمَدُ: رَوَى فِي هَذَا أَلْوَانٌ. وَلَمْ يَقْضِ فِيهِ بِشَيْءٍ، وَقَالَ إِسْحَاقُ: بَلْ نَخْتَارُ إِحْدَى وَأَرْبَعِينَ رَكْعَةً عَلَى مَا رَوَى عَنْ أَبِي بِنِ كَعْبٍ، وَاخْتَارَ ابْنُ الْمُبَارَكِ وَأَحْمَدُ وَإِسْحَاقُ الصَّلَاةَ مَعَ الْإِمَامِ فِي شَهْرِ رَمَضَانَ، وَاخْتَارَ الشَّافِعِيُّ أَنْ يُصَلِّيَ الرَّجُلُ

according to what has been reported from Ubayy bin Ka'b." Ibn Al-Mubārak, Aḥmad and Ishāq preferred that one perform the *Ṣalāt* with the *Imām* during the month of Ramaḍān. Ash-Shāfi'ī preferred that he pray alone if he is a *Qārī*. (There are narrations on this topic from 'Āishah, An-Nu'mān bin Bashīr, and Ibn 'Abbās.)

وَحَدَّثَهُ إِذَا كَانَ قَارِئًا. [وفي الباب عَنْ عَائِشَةَ وَالتُّعْمَانَ بْنِ بَشِيرٍ وَابْنِ عَبَّاسٍ].

تخريج: [إسناده صحيح] وأخرجه أبو داود، شهر رمضان، باب: في قيام شهر رمضان، ح: ١٣٧٥ وابن ماجه، ح: ١٣٢٧ والنسائي: ٨٣/٣، ٨٤، ح: ١٣٦٥ من حديث داود بن أبي هند به وصححه ابن خزيمة، ح: ٢٢٠٦ وابن حبان، ح: ٩١٩ وابن الجارود، ح: ٤٠٣ * وفي الباب عن عائشة [البخاري، ح: ٧٢٩] والنعمان بن بشير [أحمد: ٢٥٥/١] وابن عباس [النسائي، ح: ١٦٠٢].

Comments:

'Allamah Bannawī (a Ḥanafī Deobandī) wrote: "It has to be accepted without any excuse that the Noble Prophet ﷺ offered eight *Rak'ah Tarāwīḥ* prayer; and it is not proven from any narration that he ﷺ offered *Tarāwīḥ* and *Tahajjud* (late night prayer) separately. However when he ﷺ led the congregation of *Tarāwīḥ* prayer, he did not increase the number of *Rak'ah* instead he prolonged it. In the light of the authentic *Aḥādīth*, he ﷺ led *Tarāwīḥ* prayer only eight *Rak'ah* and the number of *Rak'ah* more than that is not proven from him ﷺ."

Chapter 82. What Has Been Related About One Who Provides The Food For A Fasting Person To Break His Fast

807. Zaid bin Khālīd Al-Juhānī narrated that the Messenger of Allāh ﷺ said: "Whoever provides the food for a fasting person to break his fast with, then for him is the same reward as his (the fasting person's), without anything being diminished from the reward of the fasting person." (*Ṣaḥīḥ*)

(المعجم ٨٢) - بَابُ مَا جَاءَ فِي فَضْلِ مَنْ فَطَرَ صَائِمًا (التحفة ٨٢)

٨٠٧ - حَدَّثَنَا هَنَّاذُ: حَدَّثَنَا عَبْدُ الرَّحِيمِ ابْنُ سُلَيْمَانَ عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي سُلَيْمَانَ، عَنْ عَطَاءٍ، عَنْ زَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ فَطَرَ صَائِمًا كَانَ لَهُ مِثْلُ أَجْرِهِ غَيْرَ أَنَّهُ لَا يَنْقُصُ مِنْ أَجْرِ الصَّائِمِ شَيْئًا».

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: [إسناده صحيح] وأخرجه ابن ماجه، الصيام، باب: في ثواب من فطر صائماً، ح: ١٧٤٦ من حديث عبد الملك به وصححه ابن خزيمة، ح: ٢٠٦٤ وابن حبان، ح: ٨٩٥ وله طريق آخر عند ابن حبان، ح: ١٦١٩ وفيه: "من جهز غازياً في سبيل الله أو خلفه في أهله كتب له مثل أجره"، وسنده صحيح.

Comments:

Many *Aḥādīth* are reported regarding the virtues of making arrangements for the people to break fast. All these *Aḥādīth* tell that providing food and drink to the fill is not necessary, according to one's capability with good intention providing usual food and drink will also be a source of reward and righteousness.

Chapter 83. Encouragement To Perform The Night Prayer During Ramaḍān And The Virtues That Accompany It

(المعجم ٨٣) - بَابُ التَّرَغِيبِ فِي قِيَامِ شَهْرِ رَمَضَانَ وَمَا جَاءَ فِيهِ مِنَ الْفَضْلِ
(التحفة ٨٣)

808. Abū Hurairah narrated: "The Messenger of Allāh ﷺ would encourage the night prayer in Ramaḍān without firmly ordering it, and he would say: 'Whoever stands (in the night prayer) for Ramaḍān with faith and seeking the reward (from Allāh), then he will be forgiven what has preceded of his sins.' So the Messenger of Allāh ﷺ died and the matter was like that. Then the matter was the same during the *Khilāfah* of Abū Bakr and it continued during a portion of the *Khilāfah* of 'Umar bin Al-Khattāb." (*Ṣaḥīḥ*)

There are narrations on this topic from 'Āishah. This *Ḥadīth* has also been reported from Az-Zuhri, from 'Urwah, from 'Āishah, from the Prophet ﷺ.

(Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.)

٨٠٨ - حَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يُرَغِّبُ فِي قِيَامِ رَمَضَانَ مِنْ غَيْرِ أَنْ يَأْمُرَهُمْ بِعَزِيمَةٍ وَيَقُولُ: «مَنْ قَامَ رَمَضَانَ إِيْمَانًا وَاحْتِسَابًا غُفِرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ» فَتَوَفَّى رَسُولُ اللَّهِ ﷺ وَالْأَمْرُ عَلَى ذَلِكَ ثُمَّ كَانَ الْأَمْرُ كَذَلِكَ فِي خِلَافَةِ أَبِي بَكْرٍ وَصَدْرًا مِنْ خِلَافَةِ عُمَرَ بْنِ الْخَطَّابِ عَلَى ذَلِكَ. وَفِي الْبَابِ عَنْ عَائِشَةَ، وَقَدْ رُوِيَ هَذَا الْحَدِيثُ أَيْضًا عَنْ الزُّهْرِيِّ، عَنْ عُروَةَ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ.

[قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.]

تخریج: وأخرجه مسلم، صلاة المسافرين، باب الترغيب في قيام رمضان وهو التراويح،
ح: ٧٥٩ عن عبد ابن حميد به * وفي الباب عن عائشة [النسائي، ح: ٢١٩٤].

Comments:

‘With Faith’ is that the motive and objective of the deed should be only Faith in Allāh and His Messenger and the person has a firm trust in their promise; and ‘Hoping’ is that its motive is the hope and desire of reward and righteousness, no other passion and purpose should be its motive except to gain the Pleasure and bliss of Allāh ﷻ.

In the Name of Allāh,
the Merciful, the Beneficent

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

7. The Chapters On *Hajj* From The Messenger of Allāh ﷺ

(المعجم ٧) أَبْوَابُ الْحَجِّ
عَنْ رَسُولِ اللَّهِ ﷺ (التحفة ٥)

Comments:

Hajj means pilgrimage to Makkah in the Islamic month of *Dhul-Hijjah*. According to the respected, *Khalilī* intending to go to a place again and again, and in the faith of Islam intending to go visit the House of Allāh (ﷻ) in a particular period, and performing a particular set of rituals is called *Hajj*.

Chapter 1. What Has Been Related About Makkah's Sanctity

(المعجم ١) - بَابُ مَا جَاءَ فِي حُرْمَةِ
مَكَّةَ (التحفة ١)

809. Sa'eed bin Abī Sa'eed Al-Maqburī narrated: "Abū *Shuraih* Al-'Adawī said that when 'Amr bin Sa'eed was sending troops to Makkah, he said to him: 'O Amīr! Allow me to tell you what the Messenger of Allāh ﷺ said on the day following the Conquest of Makkah. My ears heard it, my heart understood it thoroughly, and with my own eyes, I saw the Prophet ﷺ when he – after glorifying and praising Allāh – said: "Indeed Allāh, the Most High, made Makkah a sanctuary, it was not made a sanctuary by the people. So it is not lawful for a man who believes in Allāh and the Last Day to shed blood it, nor to cut down its trees. If anybody tries to use the Messenger of Allāh ﷺ to make an excuse for fighting in it, then say to him: 'Indeed Allāh

٨٠٩ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا اللَّيْثُ بْنُ سَعِيدٍ عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ، عَنْ أَبِي شُرَيْحٍ الْعَدَوِيِّ أَنَّهُ قَالَ لَعَمْرُؤِ بْنِ سَعِيدٍ وَهُوَ يَبْعَثُ الْبُعُوثَ إِلَى مَكَّةَ: ائْذَنْ لِي أَيُّهَا الْأَمِيرُ! أُحَدِّثُكَ قَوْلًا قَامَ بِهِ رَسُولُ اللَّهِ ﷺ الْغَدَ مِنْ يَوْمِ الْفَتْحِ سَمِعْتُهُ أُذُنَايَ وَوَعَاهُ قَلْبِي وَأَبْصَرْتُهُ عَيْنَايَ حِينَ تَكَلَّمَ بِهِ، أَنَّهُ حَمَدَ اللَّهَ وَأَثْنَى عَلَيْهِ ثُمَّ قَالَ: «إِنَّ مَكَّةَ حَرَمَ اللَّهِ تَعَالَى وَلَمْ يُحَرِّمْهَا النَّاسُ وَلَا يَجِلُّ لِمَرِيءٍ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ يَسْفِكَ فِيهَا دَمًا أَوْ يَغْضَبَ بِهَا شَجَرَةً فَإِنْ أَحَدٌ تَرَحَّصَ بِقِتَالِ رَسُولِ اللَّهِ ﷺ فِيهَا فَقُولُوا لَهُ: إِنَّ اللَّهَ أَذِنَ لِرَسُولِهِ ﷺ وَلَمْ يَأْذَنْ لَكَ وَإِنَّمَا أَذِنَ لِي فِيهِ سَاعَةً مِنَ النَّهَارِ، وَقَدْ عَادَتْ حُرْمَتُهَا الْيَوْمَ كَحُرْمَتِهَا بِالْأَمْسِ وَلْيَبْلُغِ الشَّاهِدُ

permitted His Messenger ﷺ and He did not permit you.' Allāh only allowed it for me for a few hours of one day, and today its sanctity has returned as it was before. So let the one who is present convey to the one who is absent." Abū Shuraiḥ was asked: "What was 'Amr bin Sa'eed's reply to you?" He said: "I am more knowledgeable about that than you Abū Shuraiḥ! The *Haram* does not give protection to a disobedient person, nor a person fleeing for murder, nor fleeing for (*Kharbah*) lawlessness." (*Ṣaḥīḥ*)

Abū 'Eīsā said: It has been reported as: "(Nor fleeing for) atrocities (*Khizyah*). There are narrations on this topic from Abū Hurairah and Ibn 'Abbās.

Abū 'Eīsā said: The *Ḥadīth* of Abū Shuraiḥ is a *Ḥasan Ṣaḥīḥ Ḥadīth*. Abū Shuraiḥ Al-Khuzā'i's name is Khuwailid bin 'Amr, (and he is) Al-Adawī (and he is) Al-Ka'bī. The meaning of *Kharbah* is criminal offence. He (Āmr) said that whoever commits a crime, or sheds blood, if he comes to the *Haram*, then the legal punishment is to be implemented upon him.

الْغَائِبِ فَقِيلَ لِأَبِي شُرَيْحٍ: مَا قَالَ لَكَ عَمْرُو ابْنُ سَعِيدٍ؟ قَالَ: أَنَا أَعْلَمُ مِنْكَ بِذَلِكَ يَا أَبَا شُرَيْحٍ! إِنَّ الْحَرَمَ لَا يُعِيدُ عَاصِيًا وَلَا فَارًّا بِدَمٍ وَلَا فَارًّا بِخُرْيَةٍ.

قَالَ أَبُو عِيْسَى: وَيُرْوَى [وَلَا فَارًّا] بِخُرْيَةٍ [قَالَ:] وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ وَابْنِ عَبَّاسٍ.

قَالَ أَبُو عِيْسَى: حَدِيثُ أَبِي شُرَيْحٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَأَبُو شُرَيْحٍ الْخُزَاعِيُّ اسْمُهُ خُوَيْلِدُ بْنُ عَمْرٍو [وَهُوَ] الْعَدَوِيُّ [وَهُوَ] الْكَعْبِيُّ وَمَعْنَى قَوْلِهِ: وَلَا فَارًّا بِخُرْيَةٍ يَعْنِي جُنَايَةً، يَقُولُ: مَنْ جَنَى جُنَايَةً أَوْ أَصَابَ دَمًا ثُمَّ جَاءَ إِلَى الْحَرَمِ فَإِنَّهُ يُقَامُ عَلَيْهِ الْحَدُّ.

تخريج: متفق عليه، وأخرجه مسلم، الحج، باب تحريم مكة وتحريم صيدها... إلخ، ح: ١٣٥٤ عن قتية البخاري، ح: ١٠٤ من حديث الليث بن سعد به * وفي الباب عن أبي هريرة [مسلم، ح: ١٣٥٥] والبخاري، ح: ٢٤٣٤ وابن عباس [البخاري، ح: ١٣٤٩] ومسلم، ح: ١٣٥٣.

Comments:

The saying of 'Amr bin Sa'eed to Abū Shuraiḥ "I am more knowledgeable about that" is not right as 'Abdullāh bin Az-Zubair had not committed any crime and he was not involved in any kind of dishonesty. .

Chapter 2. What Has Been Related About The Rewards For *Hajj* And '*Umrah*

(المعجم ٢) - بَابُ مَا جَاءَ فِي ثَوَابِ الْحَجِّ وَالْعُمْرَةِ (التحفة ٢)

810. 'Abdullāh (bin Mas'ūd) narrated that the Messenger of Allāh ﷺ said: "Alternate between *Hajj* and '*Umrah*; for these two remove poverty and sins just as the bellows removes filth from iron, gold, and silver – and there is no reward for *Al-Hajj Al-Mabrūr*^[1] except for Paradise." (*Hasan*)

(He said:) There are narrations on this topic from 'Umar, 'Āmir bin Rabī'ah, Abū Hurairah, 'Abdullāh bin Ḥubshī, Umm Salamah, and Jābir.

Abū 'Eīsā said: The *Hadīth* of Ibn Mas'ūd is a *Ḥasan Ṣaḥīḥ Gharīb Hadīth* as a narration of 'Abdullāh bin Mas'ūd.

٨١٠ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ وَأَبُو سَعِيدٍ الْأَشْجِيُّ قَالَا: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ عَنْ عَمْرِو بْنِ قَيْسٍ، عَنْ عَاصِمٍ، عَنْ شَقِيقٍ، عَنْ عَبْدِ اللَّهِ [ابْنِ مَسْعُودٍ] قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «تَابِعُوا بَيْنَ الْحَجِّ وَالْعُمْرَةِ فَإِنَّهُمَا يَنْفِيَانِ الْفَقْرَ وَالذُّنُوبَ كَمَا يَنْفِي الْكَبِيرُ خَبَثَ الْحَدِيدِ وَالذَّهَبِ وَالْفِضَّةِ وَلَيْسَ لِلْحَجَّةِ الْمَبْرُورَةِ ثَوَابٌ إِلَّا الْجَنَّةُ».

[قَالَ:] وَفِي الْبَابِ عَنْ عَمْرِو بْنِ رَبِيعَةَ وَأَبِي هُرَيْرَةَ وَعَبْدِ اللَّهِ بْنِ حُبَيْشٍ وَأُمِّ سَلَمَةَ وَجَابِرٍ.

قَالَ أَبُو عَبْدِ عِيسَى: حَدِيثُ ابْنِ مَسْعُودٍ حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ مِنْ حَدِيثِ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ.

تخریج: [إسناده حسن] وأخرجه النسائي، مناسك الحج، باب فضل المتابعة بين الحج والعمرة ١١٥/٥، ١١٦، ح: ٢٦٣٢ من حديث أبي خالد الأحمر به وصرح بالسماع وصححه ابن حبان، ح: ٩٦٧ وابن خزيمة، ح: ٢٥١٢ * شقيق هو أبو وائل وعاصم هو ابن أبي النجود * وفي الباب عن عمر [ابن ماجه، ح: ٢٨٨٧] وعامر بن ربيعة [أحمد، ح: ٤٤٦٧، ٤٤٦٨/٣] وأبي هريرة [يأتي: ٨١١] وعبدالله بن حبشي [النسائي، ح: ٢٥٢٧] وأم سلمة [أبو داود، ح: ١٧٤١] وجابر [أحمد: ٣/٣٢٥، ٣٣٤].

Comments:

It is proved by this narration that a person who performs *Hajj* and '*Umrah* with sincere and honest intentions alternatively in one or two visits dives in the river of blessings of Allāh (ﷻ)

[1] They say that the *Al-Hajj Al-Mabrūr* is the accepted *Hajj*, and it is said that it is the *Hajj* that is performed without sin. See *Tuḥfat Al-Aḥwadhī*.

811. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Whoever performs *Hajj* for Allāh, and he does not have sexual relations^[1] nor commit any sin, then his previous sins will be forgiven.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: The *Ḥadīth* of Abū Hurairah is a *Hasan Ṣaḥīḥ Ḥadīth*. Abū Ḥāzim (one of the narrators) is from Al-Kūfah, and he is Al-Ashja‘ī. His name is Salmān, and he is the freed slave of ‘Azzah Al-Ashja‘īyah.

تخريج: متفق عليه، وأخرجه البخاري، المحصر، باب قول الله عزوجل: ﴿وَلَا فُسُوقَ وَلَا جِدَالَ فِي الْحَجِّ﴾، ح: ١٨٢٠ ومسلم، ح: ١٣٥٠ من حديث سفيان بن عيينة به.

Comments:

It is a unanimously ‘agreed upon’ narration of Abū Hurairah that a person who performs *Hajj* for Allāh ﷻ and during the *Hajj* does not perform any sexual activity nor commit any sin, and obeys Allāh’s Orders, good news of Allāh’s blessings are given to him that all his previous sins are forgiven and he returns home free from all sins as on the day he was born.

Chapter 3. What Has Been Related About The Severity Of Neglecting *Hajj*

812. ‘Alī narrated that the Messenger of Allāh ﷺ said: “Whoever has the provisions and the means to convey him to Allāh’s House and he does not perform *Hajj*, then it does not matter if he dies as a Jew or a Christian. That is because Allāh said in His Book: ‘And *Hajj* to the House is a duty that mankind owes to Allāh, for whomever is able to bear the journey.’^[2] (*Da‘īf*)

٨١١ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ مَنْصُورٍ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ حَجَّ فَلَمْ يَرُفْ وَلَمْ يَفْسُقْ غُفِرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ».

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَأَبُو حَازِمٍ كُوفِيٌّ وَهُوَ الْأَشْجَعِيُّ وَاسْمُهُ سَلْمَانُ مَوْلَى عَزَّةَ الْأَشْجَعِيَّةِ.

(المعجم ٣) - بَابُ مَا جَاءَ مِنَ التَّغْلِيظِ فِي تَرْكِ الْحَجِّ (التحفة ٣)

٨١٢ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى الْقُطَيْبِيُّ الْبَصْرِيُّ: حَدَّثَنَا مُسْلِمُ بْنُ إِبرَاهِيمَ: حَدَّثَنَا هِلَالُ بْنُ عَبْدِ اللَّهِ مَوْلَى رَبِيعَةَ بْنِ عَمْرٍو بْنِ مُسْلِمِ الْبَاهِلِيِّ: حَدَّثَنَا أَبُو إِسْحَاقَ الْهَمْدَانِيُّ عَنِ الْحَارِثِ، عَنْ عَلِيٍّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ مَلَكَ رَأَا [وَأَرَادَ أَنْ يَبْلُغَهُ] إِلَى بَيْتِ اللَّهِ وَلَمْ يَحُجَّ فَلَا عَلَيْهِ أَنْ يَمُوتَ يَهُودِيًّا أَوْ

^[1] See *Al-Baqarah* 2:197, and *Rafath* may be more general than sexual relations. See *Tuhfat Al-Aḥwadhī*.

^[2] *Āl ‘Imrān* 3:97.

Abū 'Eisā said: This *Hadīth* is *Gharīb*, we do not know of it except from this route, and there is some criticism over its chain. Hilāl bin 'Abdullāh is an unknown, and Al-Hārith was graded weak in *Hadīth*.

نَضْرَائِيَا وَذَلِكَ [أَنَّ] اللَّهَ يَقُولُ فِي كِتَابِهِ: ﴿وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا﴾ [آل عمران: ٩٧].

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ لَا نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ وَفِي إِسْنَادِهِ مَقَالٌ وَهَلَالُ بْنُ عَبْدِ اللَّهِ مَجْهُولٌ وَالْحَارِثُ يُضَعَّفُ فِي الْحَدِيثِ.

تخريج: [ضعيف] وأخرجه ابن عدي: ٢٥٨٠/٧ من حديث هلال به وهو متروك فالسند ضعيف جداً وأورده ابن الجوزي في الموضوعات: ٢٠٩/٢ من طريق الترمذي به وله شواهد ضعيفة عند البيهقي: ٣٣٤/٤ وغيره وانظر نصب الراية: ٤١١/٤ وغيره.

Comments:

This narration is a warning for those who have the means for performing *Hajj* and they still do not perform. For such people it does not matter if they die as a Jew or a Christian.

Chapter 4. What Has Been Related About The Obligation Of *Hajj* While One Has The Provisions And The Means Of Conveyance

813. Ibn 'Umar narrated: "A man came to the Prophet ﷺ and said: 'O Messenger of Allāh! What is it that makes *Hajj* obligatory?' He said: 'The provisions and a means of conveyance.'" (*Da'if*)

Abū 'Eisā said: This *Hadīth* is *Hasan* and it is acted upon according to the people of knowledge. When a man possesses the provisions and a means of conveyance then *Hajj* is obligatory upon him. Ibrāhīm is Ibn Yazīd Al-Khawzī Al-Makkī, and some of the people of knowledge have criticized him due to his memory.

(المعجم ٤) - بَابُ مَا جَاءَ فِي إِيْجَابِ الْحَجِّ بِالزَّادِ وَالرَّاحِلَةِ (التحفة ٤)

٨١٣ - حَدَّثَنَا يُوسُفُ بْنُ عِيسَى: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ يَزِيدَ عَنْ مُحَمَّدِ بْنِ عَبْدِ بْنِ جَعْفَرٍ، عَنِ ابْنِ عُمَرَ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! مَا يُوجِبُ الْحَجَّ؟ قَالَ: «الرَّادُّ وَالرَّاحِلَةُ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ وَالْعَمَلُ عَلَيْهِ عِنْدَ أَهْلِ الْعِلْمِ: أَنَّ الرَّجُلَ إِذَا مَلَكَ زَادًا وَرَاحِلَةً وَجَبَ عَلَيْهِ الْحَجُّ. وَإِبْرَاهِيمُ هُوَ ابْنُ يَزِيدَ الْخَوْزَنِيُّ الْمَكِّيُّ وَقَدْ تَكَلَّمَ فِيهِ بَعْضُ أَهْلِ الْعِلْمِ مِنْ قَبْلِ حِفْظِهِ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، المناسك، باب ما يوجب الحج، ح: ٢٨٩٦ من حديث وكيع به * إبراهيم بن يزيد الخوزي ضعيف وله طرق ضعيفة، عن أنس وعائشة وغيرهما.

Comments:

According to the Noble Qur'ān "*Hajj* is a duty whomever is able to bear the journey." Those who have the means and provisions and conveyance to go to the House of Allāh ﷻ *Hajj* is an obligation for them.

Chapter 5. What Has Been Related About How Many Times *Hajj* Is Obligatory

814. 'Alī bin Abī Ṭālib narrated: "When Allāh revealed: And *Hajj* to the House is a duty that mankind owes to Allāh, for whomever is able to bear the journey.^[1] They said: 'O Messenger of Allāh! Is that every year?' He remained silent. So they said: 'O Messenger of Allāh! Is that every year?' He said: 'No. If I had said yes, then it would have been made obligatory.' So Allāh revealed: O you who believe! Do not ask about things which, if made plain to you, may cause you trouble.^[2] (*Da'if*)^[3]

(He said:) There are narrations on this topic from Ibn 'Abbās and Abū Hurairah.

Abū 'Eisā said: The *Ḥadīth* of 'Alī is a *Ḥasan Gharīb Ḥadīth* from this route. Abū Al-Bukhārī's name is Sa'eed bin Abī 'Imrān, and he is Sa'eed bin Fairūz.

(المعجم ٥) - بَابُ مَا جَاءَ: كَمْ فَرِضَ الْحَجُّ؟ (التحفة ٥)

٨١٤ - حَدَّثَنَا أَبُو سَعِيدٍ الْأَشْجِيُّ: حَدَّثَنَا مَنْصُورُ بْنُ وَرْدَانَ كُوفِيٌّ عَنْ عَلِيِّ بْنِ عَبْدِ الْأَعْلَى، عَنْ أَبِيهِ، عَنْ أَبِي الْبَحْتَرِيِّ، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: لَمَّا نَزَلَتْ ﴿وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا﴾ قَالُوا: يَا رَسُولَ اللَّهِ! أَفِي كُلِّ عَامٍ؟ فَسَكَتَ فَقَالُوا: يَا رَسُولَ اللَّهِ فِي كُلِّ عَامٍ؟ قَالَ: «لَا، وَلَوْ قُلْتُ: نَعَمْ، لَوَجِبَتْ» فَأَنْزَلَ اللَّهُ ﴿يَتَأَيَّهَا الَّذِينَ ءَامَنُوا لَا تَسْأَلُوا عَنْ أَشْيَاءَ إِنْ بُدِّ لَكُمْ سَأَلُكُمْ﴾ [المائدة: ١٠١].

[قَالَ:] وفي الباب عن ابن عباس وأبي هريرة.

قَالَ أَبُو عِيسَى: حَدِيثُ عَلِيٍّ حَدِيثٌ حَسَنٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ وَاسْمُ أَبِي الْبَحْتَرِيِّ سَعِيدُ بْنُ أَبِي عِمْرَانَ وَهُوَ سَعِيدُ بْنُ فَيْرُوزَ.

[1] *Āl 'Imrān* 3:97.

[2] *Al-Mā'idah* 5:101.

[3] That is, this version, with this chain, while the basis of it is recorded by *Al-Bukhārī*, *Muslim*, and others, from Abū Hurairah and others.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، المناسك، باب فرض الحج، ح: ٢٨٨٤ من حديث منصور به وأبو البخري لم يسمع من علي وللحديث شواهد عند مسلم، ح: ١٣٣٧ وغيره من غير ذكر الآيات والله أعلم * وفي الباب عن ابن عباس [أبو داود، ح: ١٧٢١] وأبي هريرة [مسلم، ح: ١٣٣٧].

Comments:

It is agreed upon that *Hajj* and *'Umrah* are obligatory only once in lifetime. It can be obligatory again if someone vows to perform it. It is agreed and sure that after emigration to Al-Madīnah the Prophet ﷺ performed only one *Hajj*.

Chapter 6. What Has Been Related About How Many Times The Prophet ﷺ Performed Hajj

815. Jābir bin 'Abdullāh narrated: "The Prophet ﷺ performed *Hajj* three times. He performed *Hajj* twice before his emigration, and he performed one *Hajj* after he emigrated, and these were accompanied by *'Umrah*. So he drove sixty-three sacrificial animals (*Budn*) and 'Alī came from Yemen with the rest of them, among them was a camel of Abū Jahl that had a ring made of silver in its nose. So he (the Messenger of Allāh ﷺ) slaughtered them, and the Messenger of Allāh ﷺ ordered that a piece of each of them be cooked, and he drank from its broth." (*Da'if*)

Abū 'Eisā said: This *Hadīth* is *Gharīb* as a narration of (one of the narrators) Sufyān, we do not know of it except from the narration of Zaid bin Ḥubāb. I saw that 'Abdullāh bin 'Abdur-Raḥmān^[1] reported this *Hadīth* in his books from 'Abdullāh bin Abi Ziyād.

(المعجم ٦) - بَابُ مَا جَاءَ: كَمْ حَجَّ النَّبِيُّ ﷺ؟ (التحفة ٦)

٨١٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ أَبِي زِيَادٍ [الْكُوفِيُّ]: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ عَنْ سُفْيَانَ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ: أَنَّ النَّبِيَّ ﷺ حَجَّ ثَلَاثَ حَجَجٍ: حَجَّتَيْنِ قَبْلَ أَنْ يُهَاجَرَ وَحَجَّةً بَعْدَ مَا هَاجَرَ وَمَعَهَا عُمْرَةٌ فَسَاقَ ثَلَاثًا وَسِتِّينَ بَدَنَةً وَجَاءَ عَلِيٌّ مِنَ الْيَمَنِ بِبَقِيَّتِهَا فِيهَا جَمَلٌ لِأَبِي جَهْلٍ فِي أَنْفِهِ بُرَّةٌ مِنْ فِضَّةٍ، فَتَحَرَّهَا [رَسُولُ اللَّهِ ﷺ] وَأَمَرَ رَسُولُ اللَّهِ ﷺ مِنْ كُلِّ بَدَنَةٍ بِضَعَةِ فَطَخِخَتْ وَشَرِبَ مِنْ مَرَقِهَا.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ مِنْ حَدِيثِ سُفْيَانَ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ زَيْدِ ابْنِ حُبَابٍ وَرَأَيْتُ عَبْدَ اللَّهِ بْنَ عَبْدِ الرَّحْمَنِ رَوَى هَذَا الْحَدِيثَ فِي كُتُبِهِ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي زِيَادٍ، قَالَ: وَسَأَلْتُ مُحَمَّدًا عَنْ هَذَا فَلَمْ يَعْرِفْهُ مِنْ حَدِيثِ الثَّوْرِيِّ عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ وَرَأَيْتُهُ لَا يَعُدُّ

^[1] That is, Ad-Dārimī. See *Tuhfat Al-Aḥwadhī*.

He said: I asked Muḥammad about this and he did not know it to be a narration of (Sufyān) Ath-Thawrī from Ja'far, from his father, from Jābir, from the Prophet ﷺ,^[1] and I saw that he did not consider this *Hadīth* to be preserved. He said: "It has only been reported from Ath-Thawrī, from Abū Ishāq, from Mujāhid, in *Mursal* form."

هَذَا الْحَدِيثُ مَحْفُوظًا وَقَالَ، إِنَّمَا يُرَوَّى عَنِ الثَّوْرِيِّ، عَنْ أَبِي إِسْحَاقَ، عَنْ مُجَاهِدٍ مُرْسَلٌ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، المناسك، باب حجة رسول الله ﷺ، ح: ٣٠٧٦ من حديث سفيان الثوري به وعنن وصححه ابن خزيمة، ح: ٣٠٥٦ * وفي حديث ابن عباس علتان وله شاهد مرسل عند البيهقي: ٣٤٢/٤.

815 (B) Qatādah narrated: "I said to Anas bin Mālik: 'How many times did the Prophet ﷺ perform Hajj?' He said: 'He performed one Hajj, and he performed four 'Umrah: An 'Umrah during Dhul-Qa'dah; the 'Umrah of Al-Ḥudaibiyah, an 'Umrah with his Hajj, and an 'Umrah from Al-Ji'irānah^[2] when he divided up the war spoils of Hunain.'" (*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Hadīth* is *Ḥasan Ṣaḥīḥ*. Ḥabbān bin Hilāl (one of the narrators) is Abū Ḥabīb Al-Baṣrī, he is noble and trustworthy, and was certified trustworthy by Yahya bin Sa'eed Al-Qattān.

٨١٥ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا حَبَّانُ بْنُ هِلَالٍ: حَدَّثَنَا هَمَّامٌ: حَدَّثَنَا قَتَادَةُ قَالَ: قُلْتُ لَأَنَسِ بْنِ مَالِكٍ: كَمْ حَجَّ النَّبِيُّ ﷺ؟ قَالَ: حَجَّةً وَاحِدَةً. وَاعْتَمَرَ أَرْبَعَ عُمَرٍ: عُمَرَةً فِي ذِي الْقَعْدَةِ وَعُمَرَةً الْحُدَيْبِيَّةَ وَعُمَرَةً مَعَ حَجَّتِهِ وَعُمَرَةً الْجِعْرَانَةَ إِذْ قَسَمَ غَنِيمَةَ حُنَيْنٍ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ وَحَبَّانُ بْنُ هِلَالٍ [هُوَ] أَبُو حَبِيبٍ الْبَصْرِيُّ جَلِيلٌ ثِقَةٌ وَثَقَّةٌ يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ.

تخريج: متفق عليه، وأخرجه مسلم، الحج، باب بيان عدد عمر النبي ﷺ وزمانهن، ح: ١٢٥٣ من حديث حبان، والبخاري، العمرة، باب: كم اعتمر النبي ﷺ؟ ح: ١٧٧٨ من حديث همّام بن يحيى به.

^[1] Meaning, as the chain appears for no. 815.

^[2] A place located some six to nine miles outside of Makkah. See *Tuhfat Al-Aḥwadhī*.

Chapter 7. What Has Been Related About How Many Times The Prophet ﷺ Performed 'Umrah

(المعجم ٧) - بَابُ مَا جَاءَ: كَمْ اعْتَمَرَ النَّبِيُّ ﷺ (التحفة ٧)

816. Ibn 'Abbās narrated: "The Messenger of Allāh ﷺ performed four 'Umrah: The 'Umrah of Al-Hudaibiyah, a second 'Umrah the following (year), (which was) the 'Umrah of Al-Qiṣās during Dhul-Qa'dah, a third 'Umrah from Al-Ji'irānah, and the fourth which accompanied his *Hajj*." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Anas, 'Abdullāh bin 'Amr, and Ibn 'Umar.

Abū 'Eīsā said: The *Ḥadīth* of Ibn 'Abbās is a (*Ḥasan Gharīb*) *Ḥadīth*. Ibn 'Uyainah reported this *Ḥadīth* from 'Amr bin Dīnār, from 'Ikrimah: "The Prophet ﷺ performed four 'Umrah" and he did not mention "from Ibn 'Abbās" in it.

(He said:) This was narrated to us by Sa'eed bin 'Abdur-Raḥmān Al-Makhzūmī; Sufyān bin 'Uyainah narrated to us, from 'Amr bin Dīnār, from 'Ikrimah: "The Prophet ﷺ..." and he mentioned similarly.

٨١٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا دَاوُدُ بْنُ عَبْدِ الرَّحْمَنِ الْعَطَّارُ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ اعْتَمَرَ أَرْبَعَ عُمَرٍ: عُمَرَةَ الْحُدَيْبِيَّةِ وَعُمَرَةَ الثَّانِيَةَ مِنْ قَابِلٍ: عُمَرَةَ الْقَصَاصِ فِي ذِي الْقَعْدَةِ وَعُمَرَةَ الثَّالِثَةَ مِنَ الْجِعْرَانَةِ، وَالرَّابِعَةَ الَّتِي مَعَ حَجَّتِهِ.

[قَالَ:] وَفِي الْبَابِ عَنْ أَنَسٍ وَعَبْدِ اللَّهِ بْنِ عَمْرِو وَابْنِ عُمَرَ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ [حَسَنٌ] غَرِيبٌ. وَرَوَى ابْنُ عُيَيْنَةَ هَذَا الْحَدِيثَ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ عِكْرِمَةَ: أَنَّ النَّبِيَّ ﷺ اعْتَمَرَ أَرْبَعَ عُمَرٍ. وَلَمْ يَذْكُرْ فِيهِ عَنْ ابْنِ عَبَّاسٍ.

[قَالَ:] حَدَّثَنَا بِذَلِكَ سَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ الْمَخْزُومِيُّ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ عِكْرِمَةَ: أَنَّ النَّبِيَّ ﷺ. فَذَكَرَ نَحْوَهُ.

تخريج: [إسناده صحيح] وأخرجه أبو داود، المناسك، باب العمرة، ح: ١٩٩٣ عن قتيبة به وصححه ابن حبان (الإحسان): ٣٩٣٥ * وفي الباب عن أنس [البخاري، ح: ١٧٧٨] ومسلم، ح: ١٢٥٣] وعبدالله بن عمرو [أحمد: ١٨٠/٢] وابن عمر [البخاري، ح: ١٧٧٥] ومسلم، ح: ١٢٥٥.

Comments:

It is agreed upon that the Messenger of Allāh ﷺ performed four 'Umrah. First in 6 A.H. in the month of Dhul-Qa'dah. It was stopped by the disbelievers of Makkah. Though it was not performed, its reward was awarded. Second was

performed in the month *Dhul-Qa'dah* in 7 A.H. as a result of the Hudaibiyah agreement. For this reason it has been called '*Umrah* of *Al-Qisās*, or '*Umrah* *Al-Qadhā*' or '*Umrah* of *Al-Ṣulh*. This '*Umrah* is known by different names. The third '*Umrah* was performed from *Ji'irānah* after bringing to conclusion the battles of *Al-Hunian* and *At-Tā'if*. The fourth and last '*Umrah* was performed with the last *Hajj*. In the year 10 A.H. the Messenger of Allāh ﷺ started from *Al-Madinah* on the 25th of *Dhul-Qa'dah* on Saturday and on 4th of *Dhul-Hijjah* he reached *Makkah* and performed '*Umrah* and *Hajj*.

Chapter 8. What Has Been Related About Which Location The Prophet ﷺ Assumed *Ihrām*

(المعجم ٨) - بَابُ مَا جَاءَ فِي أَبِي
مَوْضِعَ أَحْرَمَ النَّبِيُّ ﷺ (التحفة ٨)

817. Jābir bin 'Abdullāh narrated: "When the Prophet ﷺ wanted to perform *Hajj*, he announced it to the people, and they gathered (to accompany him). When he reached *Al-Baidā*'^[1] he assumed *Ihrām*." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ibn 'Umar, Anas, and *Al-Miswar bin Makhramah*.

Abū 'Eisā said: The *Ḥadīth* of Jābir is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

٨١٧ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا
سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ
أَبِيهِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: لَمَّا أَرَادَ
النَّبِيُّ ﷺ الْحَجَّ أَذَّنَ فِي النَّاسِ فَاجْتَمَعُوا،
فَلَمَّا أَتَى الْبَيْدَاءَ أَحْرَمَ.

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عُمَرَ وَأَنَسٍ
وَالْمِسْوَرِ بْنِ مَخْرَمَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ جَابِرٍ حَدِيثٌ
حَسَنٌ صَحِيحٌ.

تخريج: [صحيح] وأصله في صحيح مسلم، ح: ١٢١٨ * وفي الباب عن ابن عمر [يأتي: ٨١٨] وأنس [البخاري، ح: ١٧١٤] والمصور بن مخرمة [البخاري، ح: ٢٧٣١، ٢٧٣٢].

818. Ibn 'Umar narrated: "Al-Baidā' the one that they lie about regarding the Messenger of Allāh ﷺ. By Allāh! The Messenger of Allāh ﷺ did not start the *Talbiyah* except from near the *Masjid*, near the tree."^[2] (*Ṣaḥīḥ*)

٨١٨ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا
حَاتِمُ بْنُ إِسْمَاعِيلَ عَنْ مُوسَى بْنِ عُقْبَةَ، عَنْ
سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ ابْنِ عُمَرَ
قَالَ: الْبَيْدَاءُ الَّتِي تَكْذِبُونَ فِيهَا عَلَى رَسُولِ

[1] "It is a desert that has nothing in it, but here it is the name of a specific place at *Dhul-Hulaifah*." *Tuhfat Al-Aḥwadhī*.

[2] They use the word 'lie' for any information that is not correct, whether intentionally or not, and *Al-Baidā*' is a location before the *Masjid*.

Abū 'Eisā said: This *Hadīth* is *Hasan Ṣaḥīh*.

اللَّهُ ﷻ، وَاللَّهُ مَا أَهْلَ رَسُولُ اللَّهِ ﷺ إِلَّا مِنْ عِنْدِ الْمَسْجِدِ، مِنْ عِنْدِ الشَّجَرَةِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه مسلم، الحج، باب أمر أهل المدينة بالإحرام من عند مسجد ذي الحليفة، ح: ١١٨٦ عن قتيبة. والبخاري، الحج، باب الإهلال عند مسجد ذي الحليفة، ح: ١٥٤١ من حديث موسى بن عقبة به.

Comments:

This is agreed upon unanimously that the Prophet ﷺ assumed *Ihrām* from Dhul Hulaifah and there is a difference of opinion about from where he started saying the *Talbiyah*. Some of the *Aḥādīth* indicate that the Prophet started saying the *Talbiyah* from the mosque after *Zuhr* prayer and some narrations indicate that he started saying the *Talbiyah* from near the tree just coming out of the mosque.

Chapter 9. What Has Been Related About When The Prophet ﷺ Assumed *Ihrām*

(المعجم ٩) - بَابُ مَا جَاءَ مَتَى أَحْرَمَ النَّبِيُّ ﷺ؟ (التحفة ٩)

819. Ibn 'Abbās narrated: "The Prophet ﷺ started the *Talbiyah* after the *Ṣalāt*." (*Da'if*)

Abū 'Eisā said: This *Hadīth* is (*Hasan*) *Gharīb*, we do not know of anyone who reported it other than 'Abdus-Salām bin Ḥarb.

This is what is recommended according to the people of knowledge; that a man is to start his *Ihrām* after the *Ṣalāt*.^[1]

٨١٩ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا عَبْدُ

السَّلَامِ بْنُ حَرْبٍ عَنْ خُصَيْفٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ أَهَلَ فِي دُبُرِ الصَّلَاةِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ [حَسَنٌ]

غَرِيبٌ لَا نَعْرِفُ أَحَدًا رَوَاهُ غَيْرُ عَبْدِ السَّلَامِ ابْنِ حَرْبٍ وَهُوَ الَّذِي يَسْتَحِبُّ أَهْلُ الْعِلْمِ أَنْ يُحْرِمَ الرَّجُلُ فِي دُبُرِ الصَّلَاةِ.

تخريج: [إسناده ضعيف] وأخرجه النسائي، مناسك الحج، باب العمل في الإهلال: ٥/ ١٦٢، ح: ٢٧٥٥ عن قتيبة به، خصيف ضعيف.

Comments:

This narration is considered weak on account of Abdus-Salām's teacher *Khusaif's* weakness. In spite of this, scholars agree that the start of saying the *Talbiyah* after prayer is correct and lawful.

^[1] Meaning, he should begin the *Talbiyah* then, rather than when he mounts his ride to depart the *Miqāt* etc.

Chapter 10. What Has Been Related About The *Ifrād Hajj*

820. 'Āishah narrated: "The Messenger of Allāh ﷺ performed the *Ifrād* form of *Hajj*." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Jābir and Ibn 'Umar.

Abū 'Eisā said: The *Hadīth* of 'Āishah is a *Ḥasan Ṣaḥīḥ Hadīth*. This is acted upon according to some of the people of knowledge. It has been reported from Ibn 'Umar that the Prophet ﷺ performed the *Ifrād Hajj* as did Abū Bakr, 'Umar and 'Uthmān.

That was narrated to us by Qutaibah; 'Abdullāh bin Nāfi' Aṣ-Ṣā'igh narrated to us from 'Ubaidullāh bin 'Umar, from Nāfi', from Ibn 'Umar.

Abū 'Eisā said: Ath-Thawrī said: "If you perform *Ifrād Hajj* then that is fine, and if you perform *Qirān Hajj* then that is fine, and if you perform *Tamattu' Hajj* then that is fine." Ash-Shāfi'i said similarly, and he said: "To us the most recommended is *Ifrād* then *Tamattu'* then *Qirān*."

(المعجم ١٠) - بَابُ مَا جَاءَ فِي إِفْرَادِ

الْحَجِّ (التحفة ١٠)

٨٢٠ - حَدَّثَنَا أَبُو مُضْعَبٍ قِرَاءَةً عَنْ مَالِكِ بْنِ أَنَسٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أَنَّ رَسُولَ اللَّهِ ﷺ أَفْرَدَ الْحَجَّ. [قَالَ:] وَفِي الْبَابِ عَنْ جَابِرِ وَابْنِ عُمَرَ.

قَالَ أَبُو عِيسَى: حَدِيثُ عَائِشَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ، وَرَوَى عَنِ ابْنِ عُمَرَ أَنَّ النَّبِيَّ ﷺ أَفْرَدَ الْحَجَّ وَأَفْرَدَ أَبُو بَكْرٍ وَعُمَرُ وَعُثْمَانُ.

حَدَّثَنَا بِذَلِكَ قُتَيْبَةُ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نَافِعٍ الصَّائِغُ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ بِهَذَا.

قَالَ أَبُو عِيسَى: وَقَالَ الثَّوْرِيُّ: إِنْ أَفْرَدْتَ الْحَجَّ فَحَسَنٌ وَإِنْ قَرَنْتَ فَحَسَنٌ وَإِنْ تَمَتَّعْتَ فَحَسَنٌ. وَقَالَ الشَّافِعِيُّ مِثْلَهُ، وَقَالَ: أَحَبُّ إِلَيْنَا الْإِفْرَادُ ثُمَّ التَّمَتُّعُ ثُمَّ الْقِرَانُ.

تخريج: [صحيح] وأخرجه مسلم، الحج، باب بيان وجوه الإحرام ... إلخ، ح: ١٢١١/ ١٢٢ من حديث مالك به وهو في الموطأ: ٣٣٥/١ (يحيى) * وفي الباب عن جابر [البخاري، ح: ١٥٦٨ ومسلم، ح: ١٢١٣] وابن عمر [مسلم، ح: ١٢٣١] * حديث: "أفرد الحج ... إلخ" إسناده حسن، العمري عن نافع قوي كما في تسهيل الحاجة، ح: ٣٦٦، ١٢٩٩.

Comments:

There are three forms of *Hajj*. A) *Ifrād*: assuming *Ihrām* from the *Miqāt* (the stations for initiating the *Ihrām*) with the intention of performing *Hajj*. B) *Tamattu'* (as is others above): Assuming *Ihrām* from the *Miqāt* (in one of the

months of *Hajj-Shawwal*, *Dhul-Qa'dah* and the first ten days of *Dhul-Hijjah* with the intention of performing 'Umrah only. After completing 'Umrah by completing *Tawāf* and *Sa'ī* - circumbulating the Ka'bah and going between Aş-Şafā and Marwah, releasing the *Ihrām*, and on the 8th of *Dhul-Hijjah* assuming the *Ihrām* again with the intention of performing *Hajj*. C) *Qirān*: Assuming *Ihrām* with the intention of performing 'Umrah and *Hajj* both, and releasing *Ihrām* after performing 'Umrah and *Hajj*.

Chapter 11. What Has Been Related About Combining Hajj And 'Umrah

821. Anas narrated: "I heard the Prophet ﷺ saying: (*Labbaika Bi'umratin wa Hajjah*) 'Here I am for "Umrah and Hajj." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from 'Umar and 'Imrān bin Ḥuṣain.

Abū 'Eisā said: The *Ḥadīth* of Anas is a *Ḥasan Ṣaḥīḥ Ḥadīth*. Some of the people of knowledge followed this, and it was preferred by some of the people of Al-Kūfah and others.

تخریج: [صحيح] وأخرجه مسلم، الحج، باب إهلال النبي ﷺ وهديه، ح: ١٢٥١ من حديث حميد الطويل به * وفي الباب عن عمر [البخاري، ح: ١٥٣٤] وعمران بن حصين [مسلم، ح: ١٢٢٦].

Comments:

Saying the *Talbiyah* for both 'Umrah and *Hajj* together is only in *Hajj Qirān*. It proves that the Prophet ﷺ performed *Hajj Qirān*.

Chapter 12. What Has Been Related About Tamattu'

822. Ibn 'Abbās narrated: "The Messenger of Allāh ﷺ performed *Tamattu'*, as did Abū Bakr, 'Umar and 'Uthmān. And the first to prohibit it was Mu'āwiyah." (*Ḍa'īf*)

There are narrations on this topic from 'Alī, 'Uthmān, Jābir, Sa'eed, Asmā' bint Abū Bakr, and Ibn 'Umar.

(المعجم ١١) - بَابُ مَا جَاءَ فِي الْجَمْعِ
بَيْنَ الْحَجِّ وَالْعُمْرَةِ (التحفة ١١)

٨٢١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «لَبَّيْكَ بِعُمْرَةٍ وَحَجَّةٍ». [قَالَ:] وَفِي الْبَابِ عَنْ عُمَرَ وَعُمَرَانَ بْنِ حُصَيْنٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ أَنَسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ، وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ إِلَى هَذَا، وَاخْتَارَهُ مِنْ أَهْلِ الْكُوفَةِ وَغَيْرِهِمْ.

(المعجم ١٢) - بَابُ مَا جَاءَ فِي التَّمَتُّعِ
(التحفة ١٢)

٨٢٢ - حَدَّثَنَا أَبُو مُوسَى مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ عَنْ لَيْثٍ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: تَمَتَّعَ رَسُولُ اللَّهِ ﷺ وَأَبُو بَكْرٍ وَعُمَرُ وَعُثْمَانُ، وَأَوَّلُ مَنْ نَهَى عَنْهُ مُعَاوِيَةُ.

وَفِي الْبَابِ عَنْ عَلِيٍّ وَعُثْمَانَ وَجَابِرٍ
وَسَعْدٍ وَأَسْمَاءَ ابْنَةِ أَبِي بَكْرٍ وَابْنِ عُمَرَ.

تخريج: [إسناده ضعيف] وأخرجه أحمد: ٢٩٢/١ من حديث ليث بن أبي سليم به وهو ضعيف * وفي الباب عن علي [البخاري، ح: ١٥٦٣ ومسلم، ح: ١٢٢٣] وعثمان [مسلم، ح: ١٢٢٣] وجابر [مسلم، ح: ١٢١٦] وسعد [يأتي: ٨٢٣] وأسماء بنت أبي بكر [لم نجده] وابن عمر [يأتي: ٨٢٤].

Comments:

The first one to prohibit from performing *Tamattu'* was 'Umar. He used to prohibit both *Tamattu'* and *Qirān Hajj*. According to 'Umar *Ifrād* is a preferred kind of *Hajj*, that is why he prohibited performing *Qirān* and *Tamattu'* *Hajj*, and urged the people to perform *Ifrād Hajj*.

823. Muḥammad bin 'Abdullāh bin Al-Hārith bin Nawfal narrated that he heard Sa'd bin Abī Waqqās, and Aḍ-Ḍaḥḥāk bin Qais while they were mentioning *Tamattu'* after "*Umrah* until *Hajj*. Aḍ-Ḍaḥḥāk bin Qais said: "No one does that except one who is ignorant of the order of Allāh, Most High." Sa'd said: "How horrible it is what you have said O my nephew!" So Aḍ-Ḍaḥḥāk (bin Qais) said: "Indeed 'Umar bin Al-Khaṭṭāb has prohibited that." So Sa'd said: "The Messenger of Allāh ﷺ did it, and we did it with him." (*Hasan*)

(He said:) This *Hadīth* is *Ṣaḥīḥ*.

٨٢٣ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ عَنْ مَالِكِ ابْنِ أَنَسٍ، عَنِ ابْنِ شِهَابٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ الْحَارِثِ بْنِ تَوْفَلٍ: أَنَّهُ سَمِعَ سَعْدَ بْنَ أَبِي وَقَاصٍ وَالضَّحَّاكَ بْنَ قَيْسٍ وَهُمَا يَذْكُرَانِ التَّمَتُّعَ بِالْعُمْرَةِ إِلَى الْحَجِّ فَقَالَ الضَّحَّاكَ بْنُ قَيْسٍ: لَا يَصْنَعُ ذَلِكَ إِلَّا مَنْ جَهَلَ أَمَرَ اللَّهِ تَعَالَى فَقَالَ سَعْدٌ: يُسَسِّ مَا قُلْتَ يَا ابْنَ أَخِي، فَقَالَ الضَّحَّاكَ [بُنْ قَيْسٍ]: فَإِنَّ عُمَرَ بْنَ الْخَطَّابِ قَدْ نَهَى عَنْ ذَلِكَ، فَقَالَ سَعْدٌ: قَدْ صَنَعَهَا رَسُولُ اللَّهِ ﷺ وَصَنَعَهَا مَعَهُ [قَالَ]: هَذَا حَدِيثٌ صَحِيحٌ.

تخريج: [إسناده حسن] وأخرجه النسائي، مناسك الحج، باب التمتع: ١٥٢/٥، ح: ٢٧٣٥ عن قتيبة به وهو في الموطأ: ٣٤٤/١ (يحيى) وصححه ابن حبان (الإحسان): ٣٩٢٨ * قد صنعها، أي أذن فيها وأباحها، قاله ابن عبد البر في التمهيد: ٣٦٠/٨، الزهري سمعه من محمد بن عبدالله بن الحارث.

Comments:

The Companions who had no animal for sacrifice with them, according to the directions of the Prophet ﷺ, first performed '*Umrah* and released the *Ihrām*

and then they again assumed *Ihrām* on 8th of *Dhul-Hijjah* and performed *Hajj*. As this type of *Hajj* is called *Tamattu'* and it was performed by the instructions of the Prophet ﷺ so it was attributed to him.

824. Sālim bin 'Abdullāh narrated that he had heard a man from *Ash-Shām* asking 'Abdullāh bin 'Umar about *Tamattu'* after "*Umrah* until *Hajj*, so 'Abdullāh bin 'Umar said: "It is lawful." The man from *Ash-Shām* said: "But your father prohibited it." So 'Abdullāh bin 'Umar said: "Is the order to follow my father or is the order (to follow) for the Messenger of Allāh ﷺ?" The man said: "Rather it is for the Messenger of Allāh ﷺ." So he said: "Indeed the Messenger of Allāh ﷺ did it." (*Ṣaḥīḥ*)

This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

Abū 'Eīsā said: The *Ḥadīth* of Ibn 'Abbās is a *Ḥasan Ḥadīth*. There are those among the people of knowledge among the Companions of the Prophet ﷺ and others who preferred *Tamattu'* after "*Umrah*. *Tamattu'* is for a man to enter into "*Umrah* during the months of *Hajj* and stay there, as one who may gratify himself until he performs *Hajj*; he is required to slaughter whatever *Hady* is facilitated for him, and if he does not find one then he fasts for three days during *Hajj*, and seven when he returns to his family. When the one performing *Tamattu'* fasts the three days during *Hajj*, it is recommended that he fast during the ten (days), and that the last of them be the Day of 'Arafah. If he

٨٢٤ - حَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنِي يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا أَبِي عَنْ صَالِحِ بْنِ كَيْسَانَ، عَنِ ابْنِ شِهَابٍ: أَنَّ سَالِمَ ابْنَ عَبْدِ اللَّهِ حَدَّثَهُ: أَنَّهُ سَمِعَ رَجُلًا مِنْ أَهْلِ الشَّامِ وَهُوَ يَسْأَلُ عَبْدَ اللَّهِ بْنَ عُمَرَ، عَنِ التَّمَتُّعِ بِالْعُمْرَةِ إِلَى الْحَجِّ، فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ: هِيَ حَلَالٌ. فَقَالَ الشَّامِيُّ إِنَّ أَبَاكَ قَدْ نَهَى عَنْهَا، فَقَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ: أَرَأَيْتَ إِنْ كَانَ أَبِي نَهَى عَنْهَا وَصَنَعَهَا رَسُولُ اللَّهِ ﷺ: [أَأْمُرُ أَبِي يُتَّبَعَ أَمْ أَمْرُ رَسُولِ اللَّهِ ﷺ؟] فَقَالَ الرَّجُلُ: بَلْ أَمْرُ رَسُولِ اللَّهِ ﷺ. فَقَالَ: لَقَدْ صَنَعَهَا رَسُولُ اللَّهِ ﷺ. هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ وَقَدْ اخْتَارَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمُ التَّمَتُّعَ بِالْعُمْرَةِ، وَالتَّمَتُّعُ أَنْ يَدْخُلَ الرَّجُلُ بَعْمَرَةَ فِي أَشْهُرِ الْحَجِّ ثُمَّ يَقِيمُ حَتَّى يَحُجَّ فَهُوَ مُتَمَتِّعٌ وَعَلَيْهِ دَمٌ مَا اسْتَيْسَرَ مِنَ الْهَدْيِ فَإِنْ لَمْ يَجِدْ فَصِيَامٌ ثَلَاثَةَ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةً إِذَا رَجَعَ إِلَى أَهْلِهِ، وَيُسْتَحَبُّ لِلتَّمَتُّعِ إِذَا صَامَ ثَلَاثَةَ أَيَّامٍ فِي الْحَجِّ أَنْ يَصُومَ فِي الْعَشْرِ وَيَكُونَ آخِرُهَا يَوْمَ عَرَفَةَ، فَإِنْ لَمْ يَصُمْ فِي الْعَشْرِ صَامَ أَيَّامَ التَّشْرِيقِ فِي قَوْلِ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ مِنْهُمْ: ابْنُ عُمَرَ وَعَائِشَةُ

does not fast during the ten days then he does so during the Days of *Tashrīq* according to the view of some of the people of knowledge among the Companions of the Prophet ﷺ. Among them were Ibn 'Umar and 'Āishah, and it is the view of Mālik, Ash-Shāfi'i, Aḥmad and Ishāq.

Some of them said that he does not fast the Days of *Tashrīq*; this is the saying of the people of Al-Kūfah.

Abū 'Eisā said: The people of *Hadīth* prefer *Tamattu'* with "*Umrah* until *Hajj*. This is the view of Ash-Shāfi'i, Aḥmad, and Ishāq.

تخريج: [إسناده صحيح] وله شواهد عند البيهقي: ٢١/٥ وغيره.

Comments:

According to Imām At-Tirmidhī, *Ahlil-Hadīth* preferred the form of *Hajj Tamattu'*, but Imām An-Nawawī writes that *Hajj Ifrād* is a preferred form of *Hajj*. (*Al-Majmu'* v. 7. p.152.)

Chapter 13. What Was Been Related About The *Talbiyah*

825. Ibn 'Umar narrated: "The Prophet would say the following for the *Talbiyah*: "*Labbaik Allāhumma labbaik. labbaik lā sharīka laka labbaik. Innal-ḥamda wan-ni'mata laka wal-mulk, lā sharīka laka.*" ("I respond to Your call O Allāh! I respond to Your call, You have no partner, I respond to Your call. All praise, thanks and blessings are for You. All sovereignty is for You. And You have no partners with You).") (*Ṣaḥīḥ*)

Abū 'Eisā said: There are narrations on this topic from Ibn Mas'ūd, Jābir,

وَبِهِ يَقُولُ مَالِكٌ وَالشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ.
وَقَالَ بَعْضُهُمْ: لَا يَصُومُ أَيَّامَ التَّشْرِيقِ
وَهُوَ قَوْلُ أَهْلِ الْكُوفَةِ.
قَالَ أَبُو عِيسَى: وَأَهْلُ الْحَدِيثِ يَخْتَارُونَ
التَّمَتُّعَ بِالْعُمْرَةِ فِي الْحَجِّ. وَهُوَ قَوْلُ الشَّافِعِيِّ
وَأَحْمَدَ وَإِسْحَاقَ.

(المعجم ١٣) - بَابُ مَا جَاءَ فِي التَّلْبِيَةِ
(التحفة ١٣)

٨٢٥ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا
إِسْمَاعِيلُ بْنُ إِبرَاهِيمَ عَنْ أَيُّوبَ، عَنْ نَافِعٍ،
عَنِ ابْنِ عُمَرَ قَالَ: كَانَ تَلْبِيَةُ النَّبِيِّ ﷺ:
«لَبَّيْكَ اللَّهُمَّ لَبَّيْكَ، لَبَّيْكَ لَا شَرِيكَ لَكَ
لَبَّيْكَ، إِنَّ الْحَمْدَ وَالنِّعْمَةَ لَكَ وَالْمُلْكَ، لَا
شَرِيكَ لَكَ».

قَالَ أَبُو عِيسَى: وَفِي الْبَابِ عَنْ ابْنِ
مَسْعُودٍ وَجَابِرٍ وَعَائِشَةَ وَابْنَ عَبَّاسٍ وَأَبِي
هُرَيْرَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عُمَرَ حَدِيثٌ

‘Āishah, Ibn ‘Abbās, and Abū Hurairah.

Abū ‘Eisā said: The *Hadīth* of Ibn ‘Umar is a *Hasan Ṣaḥīḥ Hadīth*. It is acted upon according to [some of] the people of knowledge among the Companions of the Prophet ﷺ and others. It is the view of Sufyān Ath-Thawrī, Ash-Shāfi‘ī, Aḥmad, and Ishāq. Ash-Shāfi‘ī said: “If an addition exalting Allāh is added, then there is no harm – if Allāh wills. To me it is recommended to keep to the *Talbiyah* of the Messenger of Allāh ﷺ.” And Ash-Shāfi‘ī said: “We only say that there is no harm in an addition of exaltation of Allāh because of what has been related from Ibn ‘Umar, and he memorized the *Talbiyah* from the Messenger of Allāh ﷺ, then in his *Talbiyah*, Ibn ‘Umar himself added: (*Labbaika war-rahbā’u ilaika wal-‘amal*)’ ‘I respond to your Call, and the requests and deeds are for You.’”

تخريج: [إسناده صحيح] وهو متفق عليه وأخرجه البخاري، الحج، باب التلبية، ح: ١٥٤٩ ومسلم، ح: ١١٨٤ من حديث نافع به * وفي الباب عن ابن مسعود [النسائي، ح: ٢٧٥٢] وجابر [أبو داود، ح: ١٨١٣] وعائشة [البخاري، ح: ١٥٥٠] وابن عباس [والنسائي، ح: ٣٠٠٩] وأحمد [٢٦٧/١] وأبي هريرة [النسائي، ح: ٢٧٥٣] وابن ماجه، ح: ٢٩٢٠.

826. Nāfi‘ narrated: When Ibn ‘Umar would say the *Talbiyah* he would continue saying: “*Labbaika Allāhumma labbaika. labbaika lā sharika laka labbaika. innal-ḥamda wan-ni‘mata laka wal-mulk, lā Sharika Laka.*” (I respond to Your call O Allāh! I respond to Your call, You have no partner, I

حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَيْهِ عِنْدَ [بَعْضِ] أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ، وَقَالَ الشَّافِعِيُّ: فَإِنْ زَادَ زَائِدٌ فِي التَّلْبِيَةِ شَيْئًا مِنْ تَعْظِيمِ اللَّهِ فَلَا بَأْسَ إِنْ شَاءَ اللَّهُ، وَأَحَبُّ إِلَيَّ أَنْ يُقْتَصَرَ عَلَى تَلْبِيَةِ رَسُولِ اللَّهِ ﷺ. قَالَ الشَّافِعِيُّ: وَإِنَّمَا قُلْنَا لَا بَأْسَ بِزِيَادَةِ تَعْظِيمِ اللَّهِ فِيهَا لِمَا جَاءَ عَنِ ابْنِ عُمَرَ وَهُوَ حَفِظَ التَّلْبِيَةَ عَنْ رَسُولِ اللَّهِ ﷺ ثُمَّ زَادَ ابْنُ عُمَرَ فِي تَلْبِيَّتِهِ مِنْ قَبْلِهِ: لَبَّيْكَ وَالرَّغْبَاءُ إِلَيْكَ وَالْعَمَلُ.

٨٢٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّهُ أَهَلَّ فَأَنْطَلَقَ يَهْلُ [فَلْيَقُولُ: لَبَّيْكَ اللَّهُمَّ لَبَّيْكَ، لَا شَرِيكَ لَكَ لَبَّيْكَ، إِنَّ الْحَمْدَ وَالنِّعْمَةَ لَكَ وَالْمُلْكُ لَا شَرِيكَ لَكَ قَالَ وَكَانَ عَبْدُ اللَّهِ بْنُ عُمَرَ يَقُولُ: هَذِهِ تَلْبِيَةُ رَسُولِ اللَّهِ ﷺ: وَكَانَ يَزِيدُ مِنْ

respond to Your call. All praise, thanks and blessings are for You. All sovereignty is for You. And You have no partners with You).

He said: “ ‘Abdullāh bin ‘Umar would say: ‘This is the *Talbiyah* of the Messenger of Allāh ﷺ’ He would himself add the following after the *Talbiyah* of the Messenger of Allāh ﷺ: “*Labbaika labbaika wa-sa‘daik, wal-khairu fi yadaik. labbaika war-raghbā‘u ilaika wal-‘amal*” (‘I respond to Your call, I respond to Your call, and I am obedient to Your orders, all good is in Your Hands. I respond to Your call, and the requests and deeds are for You).” (*Ṣaḥīḥ*)

He said: This *Ḥadīth* is (*Ḥasan*) *Ṣaḥīḥ*.

عِنْدِهِ فِي أَثَرِ تَلْبِيَةِ رَسُولِ اللَّهِ ﷺ: لَبَّيْكَ
لَبَّيْكَ، وَسَعْدَيْكَ وَالْخَيْرُ فِي يَدَيْكَ لَبَّيْكَ،
وَالرَّغْبَاءُ إِلَيْكَ، وَالْعَمَلُ. قَالَ: هَذَا حَدِيثٌ
[حَسَنٌ] صَحِيحٌ.

تخريج: [إسناده صحيح] وانظر الحديث السابق.

Comments:

Most of the people of knowledge and scholars are of the view that the *Talbiyah* pronounced by the Prophet ﷺ should suffice and no words should be added to it, and this is the better way of following. Some of the Companions added some words to the *Talbiyah* of the Prophet ﷺ and he did not stop them from adding. He himself continued with his own *Talbiyah*. (*Fath Al-Bārī* 513/3).

Chapter 14. What Has Been Related About The Virtue Of The *Talbiyah* And The *Nahr* (Sacrifice)

827. Abū Bakr Aṣ-Ṣiddīq narrated that the Messenger of Allāh ﷺ was asked: “Which *Hajj* is most virtuous?” He said: “That with raised voices (*Al-‘Ajj*) and the flow of blood (of the sacrifice) (*Ath-Thajj*).” (*Da‘īf*)

(المعجم ١٤) - بَابُ مَا جَاءَ فِي فَضْلِ
التَّلْبِيَةِ وَالتَّحْرِ (التحفة ١٤)

٨٢٧ - حَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا ابْنُ
أَبِي فُذَيْكٍ؛ [ح]: وَحَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ:
حَدَّثَنَا ابْنُ أَبِي فُذَيْكٍ عَنِ الضَّحَّاكِ بْنِ عُثْمَانَ
عَنْ مُحَمَّدِ بْنِ الْمُثَنَّى، عَنْ عَبْدِ الرَّحْمَنِ بْنِ
يَرْبُوعٍ، عَنْ أَبِي بَكْرٍ الصِّدِّيقِ: أَنَّ رَسُولَ اللَّهِ ﷺ
سُئِلَ: أَيُّ الْحَجِّ أَفْضَلُ؟ قَالَ: «الْعَجُّ وَالتَّحُّ».

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، المناسك، باب رفع الصوت، بالتلبية، ح: ٢٩٢٤ من حديث ابن أبي فديك به وانظر الحديث الآتي لعلته، السند منقطع.

828. Sahl bin Sa'd narrated that the Messenger of Allāh ﷺ said: "There is no Muslim who says the *Talbiyah* except that – on his right and left, until the end of the land, from here to there^[1] – the rocks, or trees, or mud say the *Talbiyah*." (*Hasan*)

Al-Ḥasan bin Muḥammad Az-Za'farānī and 'Abdur-Raḥmān bin Al-Aswad Abū 'Amr Al-Baṣrī narrated to us (another chain) with a similar *Ḥadīth*.

(He said:) There are narrations on this topic from Ibn 'Umar and Jābir.

Abū 'Eīsā said: The *Ḥadīth* of Abū Bakr (no. 827) is a *Gharīb Ḥadīth*, we do not know of it except from the narration of Ibn Abī Fudaik, from Aḍ-Ḍaḥḥāk bin 'Uthmān. And Muḥammad bin Al-Munkadir did not hear from 'Abdur-Raḥmān bin Yarbū'. Muḥammad bin Al-Munkadir reported other *Aḥādīth* from Sa'eed bin 'Abdur-Raḥmān bin Yarbū' from his father. Abū Nu'aim Aṭ-Ṭaḥḥān Ḍirār bin Ṣurad reported this *Ḥadīth* from Ibn Abī Fudaik, from Aḍ-Ḍaḥḥāk bin 'Uthmān, from Muḥammad bin Al-Munkadir, from Sa'eed bin 'Abdur-Raḥmān bin Yarbū', from his father, from Abū Bakr, from the Prophet ﷺ, and Ḍirār was mistaken in it.

٨٢٨ - حَدَّثَنَا هَنَّاذُ: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عِيَّاشٍ عَنْ عُمَارَةَ بْنِ غَزِيَّةَ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا مِنْ مُسْلِمٍ يُكَيِّبُ إِلَّا لَبَّى مَنْ عَنْ يَمِينِهِ وَشِمَالِهِ مِنْ حَجَرٍ أَوْ شَجَرٍ أَوْ مَدَرٍ حَتَّى تَنْقَطِعَ الْأَرْضُ مِنْ هَهُنَا وَهَهُنَا».

حَدَّثَنَا الْحَسَنُ بْنُ مُحَمَّدٍ الرَّغَفَرَانِيُّ وَعَبْدُ الرَّحْمَنِ بْنُ الْأَسْوَدِ أَبُو عَمْرٍو الْبَصْرِيُّ قَالَا: حَدَّثَنَا عُبَيْدَةُ بْنُ حُمَيْدٍ عَنْ عُمَارَةَ بْنِ غَزِيَّةَ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ عَنِ النَّبِيِّ ﷺ نَحْوَ حَدِيثِ إِسْمَاعِيلَ بْنِ عِيَّاشٍ.

[قَالَ:] وفي الباب عن ابن عمر وجابر.

قَالَ أَبُو عِيْسَى: حَدِيثُ أَبِي بَكْرٍ حَدِيثٌ غَرِيبٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ ابْنِ أَبِي فُدَيْكٍ عَنِ الضَّحَّاكِ بْنِ عُثْمَانَ، وَمُحَمَّدُ بْنُ الْمُثَنَّى لَمْ يَسْمَعْ مِنْ عَبْدِ الرَّحْمَنِ بْنِ يَرْبُوعٍ. وَقَدْ رَوَى مُحَمَّدُ بْنُ الْمُثَنَّى عَنْ سَعِيدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ يَرْبُوعٍ، عَنْ أَبِيهِ غَيْرَ هَذَا الْحَدِيثِ. وَرَوَى أَبُو نُعَيْمٍ الطَّحَّانُ ضِرَارُ بْنُ صُرْدٍ هَذَا

^[1] Meaning from the east to the west. See *Tuhfat Al-Aḥwadhī*.

Abū 'Eīsā said: I heard Aḥmad bin Al-Ḥasan saying: Aḥmad bin Ḥanbal said: "Whoever says about this *Ḥadīth*, that it is from Muḥammad bin Al-Munkadir, from Ibn 'Abdur-Raḥmān bin Yarbū', from his father - then he is mistaken."

He said: I mentioned the narration of Ḍirār bin Ṣurad from Ibn Abī Fudaik to Muḥammad, and he said: "He is mistaken." So I said: "Others besides him also reported it from Ibn Abī Fudaik and it is similar to his narration." He said: "That is nothing, they only reported it from Ibn Abī Fudaik without mentioning in it 'from Sa'eed bin 'Abdur-Raḥmān.'" And I saw that he graded Ḍirār bin Ṣurad weak.

Al-'Ajj is raising the voice with the *Talbiyah*, and *Ath-Thajj* is performing the *Naḥr* on the sacrificial animals (*Budn*).

الْحَدِيثُ عَنْ ابْنِ أَبِي فُدَيْكٍ، عَنْ الصَّحَّاحِ بْنِ عُثْمَانَ، عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، عَنْ سَعِيدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ يَرْبُوعٍ، عَنْ أَبِيهِ، عَنْ أَبِي بَكْرٍ، عَنِ النَّبِيِّ ﷺ وَأَخْطَأَ فِيهِ ضَرَارٌ.

قَالَ أَبُو عِيسَى: سَمِعْتُ أَحْمَدَ بْنَ الْحَسَنِ يَقُولُ: قَالَ أَحْمَدُ بْنُ حَنْبَلٍ: مَنْ قَالَ فِي هَذَا الْحَدِيثِ عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، عَنْ ابْنِ عَبْدِ الرَّحْمَنِ بْنِ يَرْبُوعٍ، عَنْ أَبِيهِ فَقَدْ أَخْطَأَ. قَالَ: وَسَمِعْتُ مُحَمَّدًا يَقُولُ: وَذَكَرْتُ لَهُ حَدِيثَ ضَرَّارِ بْنِ صُرَدٍ عَنِ ابْنِ أَبِي فُدَيْكٍ فَقَالَ: هُوَ خَطَأٌ، فَقُلْتُ: قَدْ رَوَاهُ غَيْرُهُ عَنِ ابْنِ أَبِي فُدَيْكٍ أَيْضًا مِثْلَ رِوَايَتِهِ فَقَالَ: لَا شَيْءَ، إِنَّمَا رَوَاهُ عَنِ ابْنِ أَبِي فُدَيْكٍ وَلَمْ يَذْكُرُوا فِيهِ عَنْ سَعِيدِ بْنِ عَبْدِ الرَّحْمَنِ. وَرَأَيْتُهُ يُضَعِّفُ ضَرَّارَ بْنَ صُرَدٍ. وَالْعَجُّ: هُوَ رَفْعُ الصَّوْتِ بِالتَّلْبِيَةِ، وَالتَّجُّ: هُوَ نَحْرُ الْبُذْنِ.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، المناسك، باب التلبية، ح: ٢٩٢١ من حديث إسماعيل بن عياش به وصرح بالسماع وتابعه عبيدة بن حميد وصححه ابن خزيمة: ١٧٦/٤، ح: ٢٦٣٤ والحاكم: ٤٥١/١ على شرط الشيخين ووافقه الذهبي * وفي الباب عن ابن عمر [ابن ماجه، ح: ٢٨٩٩] وجابر [ابن ماجه، ح: ٢٩٢٥].

Comments:

This fact clearly and emphatically has been expressed in the Noble Qur'an that every type of creature in the universe is busy in praise of Allāh ﷻ but we cannot understand it. The same way every thing on the left and right side of a person who says, "I respond to Your call" repeat these words with him but we understand and hear it not.

Chapter 15. What Has Been Related About Raising The Voice With The *Talbiyah*

(المعجم ١٥) - بَابُ مَا جَاءَ فِي رَفْعِ
الصَّوْتِ بِالتَّلْبِيَةِ (التحفة ١٥)

829. Khallād bin As-Sā'ib (bin Khalād) narrated from his father who said that the Messenger of Allāh ﷺ said: "Jibril came to me and ordered me to order my Companions to raise their voices with the *Ihlāl*, or; the *Talbiyah*." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Zaid bin Khālīd, Abū Hurairah, and Ibn 'Abbās.

Abū 'Eīsā said: The *Ḥadīth* of Khallād from his father is a *Ḥasan Ṣaḥīḥ Ḥadīth*. Some have reported this *Ḥadīth* from Khallād bin As-Sā'ib, from Zaid bin Khālād, from the Prophet ﷺ, and it is not correct. What is correct is (from) Khallād bin As-Sā'ib from his father. He is Khallād bin As-Sā'ib bin Khallād bin Suwaid Al-Anṣārī.

٨٢٩ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ [وَهُوَ ابْنُ مُحَمَّدٍ بْنِ عَمْرِو بْنِ حَزْمٍ]، عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ [ابْنِ الْحَارِثِ بْنِ هِشَامٍ]، عَنْ خَلَادِ بْنِ السَّائِبِ [بْنِ خَلَادٍ]، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَتَانِي جِبْرِيلُ فَأَمَرَنِي أَنْ أَمُرَ أَصْحَابِي أَنْ يَرْفَعُوا أَصْوَاتَهُمْ بِالْإِهْلَالِ أَوْ التَّلْبِيَةِ».

[قَالَ:] وَفِي الْبَابِ عَنْ زَيْدِ بْنِ خَالِدٍ وَأَبِي هُرَيْرَةَ وَابْنِ عَبَّاسٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ خَلَادٍ عَنْ أَبِيهِ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَرَوَى بَعْضُهُمْ هَذَا الْحَدِيثَ عَنْ خَلَادِ بْنِ السَّائِبِ، عَنْ زَيْدِ بْنِ خَالِدٍ عَنِ النَّبِيِّ ﷺ وَلَا يَصِحُّ. وَالصَّحِيحُ هُوَ [عَنْ] خَلَادِ بْنِ السَّائِبِ عَنْ أَبِيهِ، وَهُوَ خَلَادُ بْنُ السَّائِبِ بْنِ خَلَادِ بْنِ سُوَيْدِ الْأَنْصَارِيِّ [عَنْ أَبِيهِ].

تخريج: [إسناده صحيح] وأخرجه النسائي، مناسك الحج، باب رفع الصوت بالإهلال: ٥/١٦٢، ح: ٢٧٥٤ من حديث سفیان بن عیینة به وصححه ابن خزيمة، ح: ٢٦٢٥، ٢٦٢٧ وابن حبان، ح: ٩٧٤ وغيرهما * وفي الباب عن زيد بن خالد [ابن ماجه، ح: ٢٩٢٣] وأبي هريرة [أحمد: ٣٢٥/٢ وابن خزيمة، ح: ٢٦٣٠ وابن عباس [أحمد: ٣٢١/١].

Comments:

According to most of the religious scholars pronouncing the *Talbiyah* loudly is recommended but according to Dāwūd Zāhirī saying the *Talbiyah* loudly is obligatory.

Chapter 16. What Has Been Related About Performing *Ghusl* When Assuming *Ihrām*

830. Zaid bin Thābit narrated from his father who said that he saw the Prophet ﷺ disrobing for his *Ihlāl*^[1] and to perform *Ghusl*. (*Hasan*)

Abū 'Eisā said: This *Hadīth* is *Hasan Gharīb*. There are those among the people of knowledge who considered it recommended to perform *Ghusl* at the time of *Ihrām*, and this is the view of Ash-Shāfi'.

تخريج: [إسناده حسن] وأخرجه ابن خزيمة، ح: ٢٥٩٥ عن عبدالله بن أبي الزباد به وله شاهد عند الحاكم: ٤٤٧/١ وصححه على شرط الشيخين ووافقه الذهبي.

Comments:

This narration indicates that taking a bath for assuming *Ihrām* is *Sunnah* of the Prophet ﷺ. For this reason all Four *A'immah* agree on this point that taking a bath before assuming *Ihrām* for *Hajj* or *Umrah* is recommended only.

Chapter 17. What Has Been Related About The *Mawāqit*^[2] For *Ihrām* For Each Region's People

831. Ibn 'Umar narrated that a man said: "Where should we begin our *Hil* (*Ihrām*) O Messenger of Allāh?" He said: "The people of Al-Madīnah begin their *Hil* (*Ihrām*) from Dhul-Hulaifah, the people of Ash-Shām from Al-Juhfah, and the people of Najd from Qarn." And he (Ibn 'Umar Said: ("And they say:)^[3]

(المعجم ١٦) - بَابُ مَا جَاءَ فِي
الْاِغْتِسَالِ عِنْدَ الْاِحْرَامِ (التحفة ١٦)

٨٣٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ أَبِي زِيَادٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يَعْقُوبَ الْمَدَنِيُّ عَنْ ابْنِ أَبِي الزِّنَادِ، عَنْ أَبِيهِ، عَنْ خَارِجَةَ بْنِ زَيْدِ بْنِ ثَابِتٍ، عَنْ أَبِيهِ: أَنَّهُ رَأَى النَّبِيَّ ﷺ تَجَرَّدَ لِإِهْلَالِهِ وَاعْتَسَلَ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ. وَقَدْ اسْتَحَبَّ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ الْاِغْتِسَالَ عِنْدَ الْاِحْرَامِ وَهُوَ قَوْلُ الشَّافِعِيِّ.

(المعجم ١٧) - بَابُ مَا جَاءَ فِي
مَوَاقِيتِ الْاِحْرَامِ لِأَهْلِ الْأَفَاقِ
(التحفة ١٧)

٨٣١ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبرَاهِيمَ عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ رَجُلًا قَالَ: مِنْ أَيْنَ نِهْلُ يَا رَسُولَ اللَّهِ قَالَ: «نِهْلُ أَهْلِ الْمَدِينَةِ مِنْ ذِي الْحُلَيْفَةِ وَأَهْلِ الشَّامِ مِنَ الْجُحْفَةِ وَأَهْلُ نَجْدٍ

^[1] Meaning, changing his clothing to assume *Ihrām*.

^[2] *Mawāqit* is the plural of *Miqāt* which refers to the actual location where one assumes *Ihrām*.

^[3] He explains – in other narrations – that he was not sure, but other Companions said it like that.

“And the people of Yemen from Yalamlam.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ibn ‘Abbās, Jābir bin ‘Abdullāh, ‘Abdullāh bin ‘Amr.

Abū ‘Eīsā said: The *Ḥadīth* of Ibn ‘Umar is a *Hasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to the people of knowledge.

مِنْ قَرْنٍ»، قَالَ [وَيَقُولُونَ]: «وَأَهْلُ الْيَمَنِ مِنْ يَلْمَلَمَ».

[قَالَ:] وَفِي الْبَابِ عَنْ ابْنِ عَبَّاسٍ وَجَابِرِ ابْنِ عَبْدِ اللَّهِ وَعَبْدِ اللَّهِ بْنِ عَمْرٍو.
قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عُمَرَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ.

تخريج: [إسناده صحيح] وهو متفق عليه وأخرجه البخاري، العلم، باب ذكر العلم والفتيا في المسجد، ح: ١٣٣، ومسلم، ح: ١١٨٢ من حديث ابن عمر به * وفي الباب عن ابن عباس [البخاري، ح: ١٥٢٤، ومسلم، ح: ١١٨١] وجابر بن عبدالله [مسلم، ح: ١١٨٣] وعبدالله بن عمرو [أحمد: ١٨١/٢].

832. Ibn ‘Abbās narrated: “The Prophet ﷺ made Al-‘Aqīq the *Miqāt* for the people of the west.” (*Da‘f*)

Abū ‘Eīsā said: This *Ḥadīth* is *Hasan*. [Muḥammad bin ‘Alī (one of the narrators) is Abū Ja‘far Muḥammad bin ‘Alī bin Ḥusain bin ‘Alī bin Abī Ṭālib].

٨٣٢ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا وَكِيعٌ عَنْ سُفْيَانَ، عَنْ يَزِيدَ بْنِ أَبِي زِيَادٍ، عَنْ مُحَمَّدِ بْنِ عَلِيٍّ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ وَقَّتْ لِأَهْلِ الْمَشْرِقِ الْعَقِيقَ.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ [وَمُحَمَّدُ بْنُ عَلِيٍّ هُوَ أَبُو جَعْفَرٍ مُحَمَّدُ بْنُ عَلِيٍّ بْنِ حُسَيْنِ بْنِ عَلِيٍّ بْنِ أَبِي طَالِبٍ].

تخريج: [إسناده ضعيف] وأخرجه أبو داود، المناسك، باب: في المواقيت، ح: ١٧٤٠ من حديث وكيع به وتفرد به يزيد بن أبي زياد، كما قال البيهقي في المعرفة: ٥٣٣/٣ وهو ضعيف.

Comments:

Only four places have been mentioned in this narration of Ibn ‘Umar that from where the *Ihrām* should be assumed. In the narration of Ibn ‘Abbās the name of the fifth place has also been mentioned as “Al-‘Aqīq” which is located near *Dhātul-‘Irq’*.

Chapter 18. What Has Been Related About What Is Not Allowed For The *Muḥrim* To Wear

833. Ibn ‘Umar narrated: “A man stood and said: ‘O Messenger of Allāh! What clothing do you

(المعجم ١٨) - بَابُ مَا جَاءَ فِيْمَا لَا يَجُوزُ لِلْمُحْرِمِ لُبْسُهُ (التحفة ١٨)

٨٣٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّهُ قَالَ: قَامَ رَجُلٌ

command us to wear in *Al-Haram*?' The Messenger of Allāh ﷺ said: 'Do not wear shirts, nor pants, nor burnouses, nor turbans, nor *Khuff* – unless one does not have any sandals, then let him wear *Khuff*, but let him cut them below the ankles. And do not wear any cloth that has been touched by saffron or *Wars*.^[1] And the woman in *Ihrām* is not to cover her face, nor wear gloves.'" (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*, and it is acted upon according to the people of knowledge.

فَقَالَ: يَا رَسُولَ اللَّهِ؛ مَاذَا تَأْمُرُنَا أَنْ نَلْبَسَ مِنَ الثِّيَابِ فِي الْحَرَمِ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَلْبَسُوا الْقَمِيصَ وَلَا السَّرَاوِيلَ وَلَا الْبُرَانِسَ وَلَا الْعَمَائِمَ وَلَا الْخُفَّافَ، إِلَّا أَنْ يَكُونَ أَحَدٌ لَيْسَتْ لَهُ نَعْلَانِ فَلْيَلْبَسِ الْخُفَّيْنِ وَلْيَقْطَعْهُمَا مَا أَسْفَلَ مِنَ الْكَعْبَيْنِ، وَلَا تَلْبَسُوا شَيْئًا مِنَ الثِّيَابِ مَسَّهُ الرَّعْفَرَانُ وَلَا الْوَرُسُ، وَلَا تَتَنَبَّهِ الْمَرْأَةُ الْحَرَامُ وَلَا تَلْبَسِ الْقَفَازِينَ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَيْهِ عِنْدَ أَهْلِ الْعِلْمِ.

تخريج: [إسناده صحيح] وهو متفق عليه، وأخرجه البخاري، جزاء الصيد، باب ما ينهى من الطيب للمحرم والمحرمه، ح: ١٨٣٨ من حديث الليث ومسلم، ح: ١١٧٧ من حديث نافع به.

Comments:

The man had asked what clothes we should wear in *Al-Ihrām*. The answer of the Prophet ﷺ was that such and such clothes should not be used for *Al-Ihrām*. This answer shows that other than the prohibited clothes all other clothes are allowed for *Ihrām*.

Chapter 19. What Has Been Related About The *Muḥrim* Wearing Pants and *Khuff* When An *Izār* And Sandals Are Not Available

834. Ibn 'Abbās narrated that he heard the Messenger of Allāh ﷺ say: "If the *Muḥrim* cannot find an *Izār*, then let him wear pants, and if he cannot find sandals, then let him wear *Khuff*." (*Ṣaḥīḥ*)

Qutaibah narrated to us (another chain) with similar meaning. There

(المعجم ١٩) - بَابُ مَا جَاءَ فِي لُبْسِ السَّرَاوِيلِ وَالْخُفَّيْنِ لِلْمُحْرِمِ إِذَا لَمْ يَجِدِ الْإِزَارَ وَالنَّعْلَيْنِ (التحفة ١٩)

٨٣٤ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدِ الصَّمِيِّ الْبَصْرِيُّ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا أَيُّوبُ: حَدَّثَنَا عَمْرُو بْنُ دِينَارٍ عَنْ جَابِرِ بْنِ زَيْدٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «الْمُحْرِمُ إِذَا لَمْ يَجِدِ الْإِزَارَ

^[1] Both of which are used for their good fragrance.

are narrations on this topic from Ibn 'Umar and Jābir.

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*, and it is acted upon according to some of the people of knowledge. They say if the *Muḥrim* does not find an *Izār* then he wears pants, and if he does not find sandals then he wears *Khuff*. This is the view of Aḥmad. Some of them held their view in accordance with the *Ḥadīth* of Ibn 'Umar from the Prophet ﷺ: "If he does not find sandals then let him wear *Khuff*, and let him cut them below the ankles." This is the saying of Sufyān Ath-Thawrī and Ash-Shāfi'ī (and Mālik said accordingly).

فَلْيَلْبَسِ السَّرَاوِيلَ، وَإِذَا لَمْ يَجِدِ التَّعْلِينَ
فَلْيَلْبَسِ الْخُفَّيْنِ.

حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ
عُمَرَ نَحْوَهُ. قَالَ: وَفِي الْبَابِ عَنِ ابْنِ عُمَرَ
وَجَابِرٍ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ
الْعِلْمِ قَالُوا: إِذَا لَمْ يَجِدِ الْمُحْرِمُ الْإِزَارَ لَيْسَ
السَّرَاوِيلَ وَإِذَا لَمْ يَجِدِ التَّعْلِينَ لَيْسَ الْخُفَّيْنِ،
وَهُوَ قَوْلُ أَحْمَدَ وَقَالَ بَعْضُهُمْ عَلَى حَدِيثِ
ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ: إِذَا لَمْ يَجِدِ التَّعْلِينَ
فَلْيَلْبَسِ الْخُفَّيْنِ وَلْيَقُطْعُهُمَا أَسْفَلَ مِنْ
الكَعْبَيْنِ. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالشَّافِعِيِّ
[وَبِهِ يَقُولُ مَالِكٌ].

تخريج: متفق عليه، وأخرجه مسلم، الحج، باب ما يباح للمحرم بحج أو عمرة لبسه
إلخ، ح: ١١٧٨ من حديث أيوب السخيتاني والبخاري، اللباس، باب السراويل، ح: ٥٨٠٤ من
حديث عمرو بن دينار به * وفي الباب عن ابن عمر [البخاري، ح: ١٥٤٢ ومسلم، ح: ١١٧٧]
وجابر [مسلم، ح: ١١٧٩].

Comments:

Most of the people of knowledge and religious scholars say that if the *Muḥrim* (who has assumed *Ihrām*) does not have shoes he can wear socks after cutting them up to the ankles. According to Imām Aḥmad one wear socks without cutting them but this point of view is not correct. In a previous chapter in the narration of Ibn 'Umar it is clearly mentioned to cut the socks up to the ankles.

Chapter 20. What Has Been Related About The One Who Assumed *Ihrām* While Wearing A Shirt Or A Cloak

(المعجم ٢٠) - بَابُ مَا جَاءَ فِي الَّذِي
يُحْرِمُ وَعَلَيْهِ قَمِيصٌ أَوْ جُبَّةٌ (التحفة ٢٠)

835. Ya'la bin Umayyah narrated: "The Messenger of Allāh ﷺ saw a Bedouin who was in *Ihrām* wearing

٨٣٥ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا عَبْدُ
اللهِ بْنُ إِدْرِيسَ عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي

a cloak. So he ordered him to remove it.” (*Ṣaḥīḥ*)

سُلَيْمَانَ، عَنْ عَطَاءٍ، عَنْ يَعْلَى بْنِ أُمَيَّةَ قَالَ:
رَأَى رَسُولَ اللَّهِ ﷺ أَغْرَابِيًّا قَدْ أَحْرَمَ وَعَلَيْهِ
جُبَّةٌ فَأَمَرَهُ أَنْ يَنْزِعَهَا.

تخریج: [صحیح] وأخرجه ابن خزيمة، ح: ٢٦٧٢ وغيره من حديث عبد الملك بن أبي سليمان به وأخرجه البخاري، ح: ١٥٣٦ ومسلم، ح: ١١٨٠ من حديث عطاء عن صفوان عن أبيه به، انظر الحديث الآتي.

836. A *Ḥadīth* similar to no. 835 with a different chain. (*Ṣaḥīḥ*)

Abū ‘Eisā said: This (chain) is more correct, and there is a story that accompanies this *Ḥadīth*.^[1] Similarly, Qatādah, Al-Ḥajjāj bin Arṭāh, and others reported it from ‘Aṭā’ from Ya‘lā bin Umayyah. But what is correct is what ‘Amr bin Dinār and Ibn Juraij reported from ‘Aṭā’, from Ṣafwān bin Ya‘lā, from his father, from the Prophet ﷺ.

٨٣٦ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا
سُفْيَانُ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ عَطَاءٍ، عَنْ
صَفْوَانَ بْنِ يَعْلَى، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ
نَحْوَهُ بِمَعْنَاهُ.

قَالَ أَبُو عِيسَى: وَهَذَا أَصَحُّ وَفِي الْحَدِيثِ
قِصَّةٌ. وَهَكَذَا رَوَاهُ قَتَادَةُ وَالْحَجَّاجُ بْنُ أَرْطَاةَ
وَعَمْرُو بْنُ دِينَارٍ، عَنْ عَطَاءٍ، عَنْ يَعْلَى بْنِ أُمَيَّةَ.
وَالصَّحِيحُ مَا رَوَى عَمْرُو بْنُ دِينَارٍ وَابْنُ
جُرَيْجٍ عَنْ عَطَاءٍ، عَنْ صَفْوَانَ بْنِ يَعْلَى، عَنْ
أَبِيهِ عَنِ النَّبِيِّ ﷺ.

تخریج: متفق عليه وأخرجه مسلم، الحج، باب ما يباح للمحرم بحج أو عمرة لبسه ... الخ، ح: ٧/١١٨٠ عن ابن أبي عمر، والبخاري، ح: ١٥٣٦ من حديث عطاء ابن أبي رباح به.

Comments:

Most of the people of knowledge and scholars say that a *Muḥrim* can take off the sewn clothing without tearing it, but Imām Shāfi‘ī and Nakh‘ī argue that as the sewed clothes like a shirt or cloak covers the head while taking it off, so it must be torn off. (*Tuḥfat Al-Aḥwadhī* v.2 p.78 and Al-Mughnī v.5 p.39)

Chapter 21. What Has Been Related About What Creatures The *Muḥrim* May Kill

(المعجم ٢١) - بَابُ مَا جَاءَ مَا يَقْتُلُ
الْمُحْرِمُ مِنَ الدَّوَابِّ (التحفة ٢١)

837. ‘Āishah narrated that the Messenger of Allāh ﷺ said: “Five

٨٣٧ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنُ
أَبِي الشَّوَارِبِ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْجٍ: حَدَّثَنَا

^[1] See *Al-Bukhārī* no. 1536.

are *Fawāsiq*^[1] which may be killed in the *Haram*: the mouse, the scorpion, the crow, the kite, and the barbed dog.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ibn Mas‘ūd, Ibn ‘Umar, Abū Hurairah, Abū Sa‘eed, and Ibn ‘Abbās.

Abū ‘Eisā said: The *Ḥadīth* of ‘Āishah is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «خَمْسٌ فَوَاسِقٌ يُقْتَلْنَ فِي الْحَرَمِ: الْفَأْرَةُ، وَالْعُقْرَبُ، وَالْغُرَابُ وَالْحَدَّيَا، وَالْكَلْبُ الْعَقُورُ».

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ مَسْعُودٍ وَابْنِ عُمَرَ وَأَبِي هُرَيْرَةَ وَأَبِي سَعِيدٍ وَابْنِ عَبَّاسٍ. قَالَ أَبُو عِيسَى: حَدِيثُ عَائِشَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه البخاري، (بدء الخلق، باب خمس من الدواب: فواسق يقتلن في الحرم ... إلخ)، ح: ٣٣١٤ ومسلم: ١١٩٨ من حديث يزيد بن زريع به * وفي الباب عن ابن مسعود [البخاري، ح: ١٨٣٠ ومسلم، ح: ٢٢٣٤] وابن عمر [البخاري، ح: ١٨٢٦ ومسلم، ح: ١١٩٩ وأبي هريرة (أبو داود، ح: ١٨٤٧) وأبي سعيد (يأتي: ٨٣٨) وابن عباس (أحمد: ١/٢٥٧)].

838. Abū Sa‘eed narrated that the Prophet ﷺ said: “The *Muḥrim* may kill the wild beast of prey, the rabid dog, the mouse, the scorpion, the kite, and the crow.” (*Da‘īf*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan*. This is acted upon according to the people of knowledge, they say that the *Muḥrim* may kill the wild beast of prey and the dog. This is the view of Sufyān Ath-Thawrī and Ash-Shāfi‘ī. Ash-Shāfi‘ī said: “The *Muḥrim* can kill any beast of prey that would attack people or their animals.”

٨٣٨ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا هُشَيْمٌ: حَدَّثَنَا يَزِيدُ بْنُ أَبِي زِيَادٍ عَنِ ابْنِ أَبِي نُعْمٍ، عَنْ أَبِي سَعِيدٍ عَنِ النَّبِيِّ ﷺ قَالَ: «يُقْتَلُ الْمُحْرِمُ السَّبْعُ الْعَادِي، وَالْكَلْبُ الْعَقُورُ، وَالْفَأْرَةُ، وَالْعُقْرَبُ، وَالْحَدَّاءُ، وَالْغُرَابُ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ قَالُوا: الْمُحْرِمُ يَقْتُلُ السَّبْعَ الْعَادِي وَالْكَلْبَ. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالشَّافِعِيِّ. وَقَالَ الشَّافِعِيُّ: كُلُّ سَبْعٍ عَدَا عَلَى النَّاسِ أَوْ عَلَى دَوَابِّهِمْ فَلِلْمُحْرِمِ قَتْلُهُ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، المناسك، باب ما يقتل المحرم من الدواب، ح: ١٨٤٨ من حديث هشيم به، يزيد ضعيف كما تقدم: ٨٣٢ وغيره.

[1] Harmful vermin.

Comments:

Fawāsiq is a plural of *Fāsiq* which is derived from *Fisq*. It means being out. These animals have been identified as *Fāsiq* due to their harmful and injurious nature and they have been treated differently by *Shari'ah*. These animals, due to their harmful nature, can be killed in the *Haram*.

**Chapter 22. What Has Been
Related About Cupping For
The *Muḥrim***

(المعجم ٢٢) - بَابُ مَا جَاءَ فِي
الْحِجَامَةِ لِلْمُحْرِمِ (التحفة ٢٢)

839. Ibn 'Abbās narrated: "The Messenger of Allāh ﷺ was cupped while he was a *Muḥrim*."^[1] (*Ṣaḥīḥ*)
(He said:) There are narrations on this topic from Anas, 'Abdullāh bin Buḥainah and Jābir.

Abū 'Eīsā said: The *Hadīth* of Ibn 'Abbās is a *Ḥasan Ṣaḥīḥ Hadīth*. There are those among the people of knowledge who permitted cupping for the *Muḥrim*. They said he is not to shave any hair (in the processes). Mālik said the *Muḥrim* is not to be cupped (nor remove any hair) except out of necessity. Sufyān Ath-Thawrī and Ash-Shāfi'ī said that there is no harm in cupping for the *Muḥrim* nor removing hair (to do so).

٨٣٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ طَاوُسٍ وَعَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ اخْتَجَمَ وَهُوَ مُحْرِمٌ.
[قَالَ:] وَفِي الْبَابِ عَنْ أَنَسٍ وَعَبْدِ اللَّهِ ابْنِ بُحَيْنَةَ وَجَابِرٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رَخَّصَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ فِي الْحِجَامَةِ لِلْمُحْرِمِ وَقَالُوا: لَا يَخْلُقُ شَعْرًا. وَقَالَ مَالِكٌ: لَا يَحْتَجِمُ الْمُحْرِمُ [وَلَا يَنْزِعُ شَعْرًا] إِلَّا مِنْ ضَرُورَةٍ. وَقَالَ سُفْيَانُ الثَّوْرِيُّ وَالشَّافِعِيُّ: لَا بَأْسَ أَنْ يَحْتَجِمَ الْمُحْرِمُ وَلَا يَنْزِعُ شَعْرًا.

تخريج: متفق عليه، وأخرجه البخاري، جزاء الصيد، باب الحجامة للمحرم، ح: ١٨٣٥ من حديث سفيان بن عيينة ومسلم، ح: ١٢٠٢ من حديث عمرو بن دينار به * وفي الباب عن أنس [أبو داود، ح: ١٨٣٧ وعبدالله ابن بحنة [البخاري، ح: ١٨٣٦ ومسلم، ح: ١٢٠٣] وجابر [النسائي، ح: ٢٨٥١].

Comments:

According to Imām Abū Ḥanīfah, Imām Shāfi'ī, Imām Aḥmad and Sufyān Ath-Thawrī and Ishāq, a *Muḥrim* can have cupping without shaving the hair from the place of cupping. In case of shaving, the *Muḥrim* will have to pay a penalty or sacrifice an animal as ransom.

[1] See no. 775.

Chapter 23. What Has Been Related About It Being Disliked For the *Muḥrim* To Marry

840. Nubaih bin Wahb narrated: "Ibn Ma'mar wanted to have his son married. So he sent me to Abān bin 'Uthmān who was the 'Amīr of the (*Hajj*) season. I went to him and said: 'Your brother wants to marry his son and he would like for you to witness that.' He said: 'I think he is but a crude Bedouin; indeed the *Muḥrim* is not to marry nor have someone married'" – or he said similarly – then he narrated from 'Uthmān similar in *Marfū'* form (from the Prophet ﷺ). (*Ṣaḥīḥ*)

There are narrations on this topic from Abū Rāfi' and Maimūnah.

Abū 'Eīsā said: The *Ḥadīth* of 'Uthmān is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to some of the Companions of the Prophet ﷺ. Among them were 'Umar bin Al-Khaṭṭāb, 'Alī bin Abī Tālib, and Ibn 'Umar. It is the view of some of the *Fuqahā'* among the *Tābi'īn*, and it is the saying of Mālik, Ash-Shāfi'i, Aḥmad and Ishāq. They do not think that the *Muḥrim* can marry, and they said that if he marries then his marriage is invalid.

تخريج: [إسناده صحيح] وأخرجه مسلم، النكاح، باب تحريم نكاح المحرم، وكراهة خطبته، ح: ١٤٠٩ من حديث أيوب به * وفي الباب عن أبي رافع [يأتي: ٨٤١] وميمونة [مسلم، ح: ١٤١١].

841. Abū Rāfi' narrated: "The Messenger of Allāh ﷺ married

(المعجم ٢٣) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ تَزْوِيجِ الْمُحْرِمِ (التحفة ٢٣)

٨٤٠ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عُكَيْيَةَ: حَدَّثَنَا أَيُّوبُ عَنْ نَافِعٍ، عَنْ نُبَيْهِ بْنِ وَهَبٍ قَالَ: أَرَادَ ابْنُ مَعْمَرٍ أَنْ يُنِكَحَ ابْنَهُ، فَبَعَثَنِي إِلَى أَبَانَ بْنِ عُثْمَانَ وَهُوَ أَمِيرُ الْمُوسِمِ [بِمَكَّةَ]، فَأَتَيْتُهُ فَقُلْتُ: إِنَّ أَخَاكَ يُرِيدُ أَنْ يُنِكَحَ ابْنَهُ فَأَحَبُّ أَنْ يُشْهَدَكَ ذَلِكَ قَالَ: لَا أَرَاهُ إِلَّا أَغْرَابًا جَافِيًا، إِنَّ الْمُحْرِمَ لَا يُنِكَحُ وَلَا يُنِكَحُ أَوْ كَمَا قَالَ، ثُمَّ حَدَّثَ عَنْ عُثْمَانَ مِثْلَهُ يَرْفَعُهُ.

وَفِي الْبَابِ عَنْ أَبِي رَافِعٍ وَمَيْمُونَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ عُثْمَانَ حَدِيثٌ حَسَنٌ صَحِيحٌ وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَصْحَابِ النَّبِيِّ ﷺ، مِنْهُمْ عُمَرُ بْنُ الْخَطَّابِ وَعَلِيُّ بْنُ أَبِي طَالِبٍ وَابْنُ عُمَرَ وَهُوَ قَوْلُ بَعْضِ فُقَهَاءِ التَّابِعِينَ وَبِهِ يَقُولُ مَالِكٌ وَالشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ: لَا يَزَوِّجُ الْمُحْرِمُ قَالُوا: فَإِنْ نَكَحَ فَنِكَاحُهُ بَاطِلٌ.

٨٤١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ

عَنْ مَطَرٍ الْوَرَّاقِ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدٍ

Maimūnah while he was *Halāl*,^[1] and he stayed with her while he was *Halāl*, and I was the messenger between the two of them.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan*, we do not know of anyone who narrated a chain for it (like this) except for Ḥammād bin Zaid from Maṭar Al-Warrāq, from Rabī‘ah. Mālik bin Anas narrated it from Rabī‘ah, from Sulaimān bin Yasār that the Prophet ﷺ married Maimūnah while he was *Halāl*, so Mālik’s report is *Mursal*. Sulaimān bin Bilāl also reported it from Rabī‘ah in *Mursal* form.

Abū ‘Eisā said: It has been reported from Yazīd bin Al-Aṣamm, from Maimūnah who said: “The Messenger of Allāh ﷺ married me while he was *Halāl*.”

Some of them reported from Yazīd bin Al-Aṣamm that the Prophet ﷺ married Maimūnah while he was *Halāl*.

Abū ‘Eisā said: Yazīd bin Al-Aṣamm is Maimūnah’s nephew.

تخريج: [صحيح] وأخرجه أحمد: ٦/٣٩٢ من حديث حماد بن زيد به وسنده حسن وله شواهد.

Chapter 24. What Has Been Related About Permission For That^[2]

842. Ibn ‘Abbās narrated: “The Prophet ﷺ married Maimūnah while he was a *Muḥrim*.” (*Ṣaḥīḥ*)

He said: There is something about this topic from ‘Āishah.

الرَّحْمَنِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ أَبِي رَافِعٍ قَالَ: تَزَوَّجَ رَسُولُ اللَّهِ ﷺ مَيْمُونَةَ وَهُوَ حَلَالٌ، وَبَنَى بِهَا وَهُوَ حَلَالٌ، وَكُنْتُ أَنَا الرَّسُولُ فِيمَا بَيْنَهُمَا.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ وَلَا نَعْلَمُ أَحَدًا أَسَنَدُهُ غَيْرَ حَمَادِ بْنِ زَيْدٍ عَنْ مَطَرٍ الْوَرَّاقِ، عَنْ رَبِيعَةَ. وَرَوَى مَالِكُ بْنُ أَنَسٍ عَنْ رَبِيعَةَ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ: أَنَّ النَّبِيَّ ﷺ تَزَوَّجَ مَيْمُونَةَ وَهُوَ حَلَالٌ. رَوَاهُ مَالِكٌ مُرْسَلًا قَالَ وَرَوَاهُ أَيْضًا سُلَيْمَانُ بْنُ بِلَالٍ عَنْ رَبِيعَةَ مُرْسَلًا.

قَالَ أَبُو عِيسَى: وَرَوَى عَنْ يَزِيدَ بْنِ الْأَصَمِّ، عَنْ مَيْمُونَةَ قَالَتْ: تَزَوَّجَنِي رَسُولُ اللَّهِ ﷺ وَهُوَ حَلَالٌ.

وَرَوَى بَعْضُهُمْ عَنْ يَزِيدَ بْنِ الْأَصَمِّ أَنَّ النَّبِيَّ ﷺ تَزَوَّجَ مَيْمُونَةَ وَهُوَ حَلَالٌ.

قَالَ أَبُو عِيسَى: وَيَزِيدُ بْنُ الْأَصَمِّ هُوَ ابْنُ أُخْتِ مَيْمُونَةَ.

(المعجم ٢٤) - بَابُ مَا جَاءَ فِي

الرَّخْصَةِ فِي ذَلِكَ (التحفة ٢٤)

٨٤٢ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ

[البصري]: حَدَّثَنَا سُفْيَانُ بْنُ حَبِيبٍ عَنْ

هِشَامِ بْنِ حَسَّانَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ

[1] That is, he was not in a state of *Ihrām*.

[2] Meaning permission to marry while in a state of *Ihrām*.

Abū 'Eīsā said: The *Hadīth* of Ibn 'Abbās is a *Hasan Ṣaḥīḥ Hadīth*. This is acted upon according to some of the people of knowledge. It is the view of Sufyān Ath-Thawrī and the people of Al-Kūfah.

عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ تَزَوَّجَ مَيْمُونَةَ وَهُوَ مُحْرِمٌ.

قَالَ: وَفِي الْبَابِ عَنْ عَائِشَةَ:

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ. وَبِهِ يَقُولُ سُفْيَانُ الثَّوْرِيُّ وَأَهْلُ الْكُوفَةِ.

تخريج: [صحيح] وأخرجه أحمد: ٣٥٤، ٣٤٦/١ من حديث هشام به ورواه البخاري، ح: ٤٢٥٨ من حديث عكرمة ومسلم، ح: ١٤١٠ من طريق آخر عن ابن عباس به * وفي الباب عن عائشة [ابن حبان، ح: ٢٧١٠ والبيهقي: ٢١٢/٧ والنسائي في الكبرى، ح: ٥٤٠٩].

843. (Another chain) that Ibn 'Abbās narrated: "The Prophet ﷺ married Maimūnah while he was a *Muḥrim*." (*Ṣaḥīḥ*)

٨٤٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ أَيُّوبَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ تَزَوَّجَ مَيْمُونَةَ وَهُوَ مُحْرِمٌ.

تخريج: [صحيح] انظر الحديث السابق.

844. (Another chain) that Ibn 'Abbās narrated: "The Prophet ﷺ married Maimūnah while he was a *Muḥrim*." (*Ṣaḥīḥ*)

٨٤٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا دَاوُدُ بْنُ عَبْدِ الرَّحْمَنِ الْعَطَّارُ عَنْ عَمْرِو بْنِ دِينَارٍ قَالَ: سَمِعْتُ أَبَا الشَّعْنَاءِ يُحَدِّثُ عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ تَزَوَّجَ مَيْمُونَةَ وَهُوَ مُحْرِمٌ.

Abū 'Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*. The name of (one of the narrators:) Abū Ash-Sha'thā' is Jābir bin Zaid. They disagree about the marriage of the Prophet ﷺ to Maimūnah because the Prophet ﷺ married her while on the journey to Makkah. Some of them said that he married her while he was *Halāl*, but the apparent case is that he married her while he was a *Muḥrim*, and then he stayed with her while he was *Halāl* in Sarif which is on the route to Makkah. Maimūnah died in Sarif where the

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَأَبُو الشَّعْنَاءِ اسْمُهُ جَابِرُ بْنُ زَيْدٍ. وَاخْتَلَفُوا فِي تَزْوِيجِ النَّبِيِّ ﷺ مَيْمُونَةَ لِأَنَّ النَّبِيَّ ﷺ تَزَوَّجَهَا فِي طَرِيقِ مَكَّةَ، فَقَالَ بَعْضُهُمْ: تَزَوَّجَهَا حَلَالًا وَظَهَرَ أَمْرُ تَزْوِيجِهَا وَهُوَ مُحْرِمٌ ثُمَّ بَنَى بِهَا وَهُوَ حَلَالٌ بِسَرِفٍ فِي طَرِيقِ مَكَّةَ. وَمَاتَتْ مَيْمُونَةُ بِسَرِفٍ حَيْثُ بَنَى بِهَا رَسُولُ اللَّهِ ﷺ وَدُفِنَتْ بِسَرِفٍ.

تخريج: [صحيح] انظر الحديثين السابقين.

Prophet ﷺ was staying with her, and she was buried in Sarif.

845. Yazīd bin Al-Aṣamm narrated about Maimūnah: “The Messenger of Allāh ﷺ married her while he was *Ḥalāl* and he stayed with her while he was *Ḥalāl*. She died in Sarif, and we buried her at the (site of the) tent where he had stayed with her.” (*Sahīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Gharīb*. More than one narrator has reported this *Ḥadīth*: “The Prophet ﷺ married Maimūnah while he was *Ḥalāl*” from Yazīd bin Al-Aṣamm in *Mursal* form.

تخریج: [صحیح] وأخرجه مسلم، النکاح، باب تحریم نکاح المحرم، وکراهة خطبته، ح: ۱۴۱۱ من حدیث جریر بن حازم به.

Comments:

The three *A’immah*, on the bases of ‘Uthmān’s verbal narration and on the basis of Abū Rāfi’s narration who was an intermediary between Maimunah, who was a party in the event, and the Prophet ﷺ, prohibited a *Muḥrim* to marry or to have someone married. If he does so it will be invalid. The *Aḥnāf* on the other hand on the basis of the narration of Ibn ‘Abbās deem it lawful.

Chapter 25. What Has Been Related About The *Muḥrim* Eating Hunted Animals

846. Jābir bin ‘Abdullāh narrated that the Prophet ﷺ said: “The land game is lawful for you while you are in *Iḥrām* as long as you did not hunt it – or – it was not hunted for you.” (*Ḍa’īf*)

(He said:) There are narrations on this topic from Abū Qatādah and Ṭalḥah.

Abū ‘Eisā said: The *Ḥadīth* of Jābir is an explanatory *Ḥadīth*, and

۸۴۵ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ: حَدَّثَنَا أَبِي قَالَ: سَمِعْتُ أَبَا فَرَاةَ يُحَدِّثُ عَنْ يَزِيدَ بْنِ الْأَصَمِّ، عَنْ مَيْمُونَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ تَزَوَّجَهَا وَهُوَ حَلَالٌ وَبَنَى بِهَا حَلَالًا، وَمَاتَتْ بِسَرِفٍ وَدَفَنَاهَا فِي الظُّلَّةِ الَّتِي بَنَى بِهَا فِيهَا.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ. وَرَوَى غَيْرٌ وَاحِدٌ هَذَا الْحَدِيثَ عَنْ يَزِيدَ بْنِ الْأَصَمِّ مُرْسَلًا: أَنَّ النَّبِيَّ ﷺ تَزَوَّجَ مَيْمُونَةَ وَهُوَ حَلَالٌ.

(المعجم ۲۵) - بَابُ مَا جَاءَ فِي أَكْلِ الصَّيْدِ لِلْمُحْرِمِ (التحفة ۲۵)

۸۴۶ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا يَعْقُوبُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ عَمْرِو بْنِ أَبِي عَمْرٍو، عَنْ الْمُطَّلِبِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ قَالَ: «صَيْدُ الْبَرِّ لَكُمْ حَلَالٌ وَأَنْتُمْ حُرْمٌ مَا لَمْ تَصِيدُوهُ أَوْ يُصَدَّ لَكُمْ».

[قَالَ:] وفي الباب عن أبي قتادة وطلحة.
قَالَ أَبُو عِيسَى: حَدِيثُ جَابِرٍ حَدِيثٌ

we do not know of Al-Muṭṭalib (one of the narrators) hearing from Jābir. This is acted upon according to some of the people of knowledge, they did not see any harm in the *Muḥrim* eating game when he did not hunt it or have someone hunt it for him. Ash-Shāfi'i said: "This is the best *Ḥadīth* reported on this topic and the most appropriate, and it is this that is to be acted upon." And this is the view of Aḥmad and Ishāq.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، المناسك، باب لحم الصيد للمحرم، ح: ١٨٥١ والنسائي: ١٨٧/٥، ح: ٢٨٣٠ عن قتيبة به وصححه ابن خزيمة، ح: ٢٦٤١ وابن حبان (الإحسان): ٣٩٦٠ والحاكم: ٤٥٢/١ والذهبي، وفيه علة مدمرة، المطلب لم يسمع من جابر كما قال أبو حاتم الرازي (المراسيل، ص: ٢١٠) * وفي الباب عن أبي قتادة.

Comments:

In *Sūrat Al-Mā'idah*, Allāh prohibits a *Muḥrim* from hunting animals. If a *Muḥrim* helps anyone in hunting, even if he points towards the game, he is not allowed to eat of that meat.

847. Abū Qatādah narrated that he was with the Prophet ﷺ and when he got to one of the roads of Makkah some of his companions were *Muḥrim* and he (Abū Qatādah) was not a *Muḥrim*. So he saw a wild donkey, so he mounted his horse, asked his companions to give him his whip but they refused, so he asked them to give him his spear and they refused. So he (himself) took it and struck the donkey killing it. Some of the Companions of the Prophet ﷺ ate it and some of them refused. When they caught up to the Prophet ﷺ they asked him about that and he said: "It is only food which Allāh fed you." (*Sahīh*)

٨٤٧ - حَدَّثَنَا قُتَيْبَةُ عَنْ مَالِكِ بْنِ أَنَسٍ، عَنْ أَبِي النَّضْرِ، عَنْ نَافِعٍ مَوْلَى أَبِي قَتَادَةَ، عَنْ أَبِي قَتَادَةَ: أَنَّهُ كَانَ مَعَ النَّبِيِّ ﷺ حَتَّى إِذَا كَانَ بِبَعْضِ طَرِيقِ مَكَّةَ تَخَلَّفَ مَعَ أَصْحَابٍ لَهُ مُحْرَمِينَ وَهُوَ غَيْرُ مُحْرِمٍ، فَرَأَى جِمَارًا وَخَيْثًا فَاسْتَوَى عَلَى فَرْسِهِ فَسَأَلَ أَصْحَابَهُ أَنْ يُنَازِلُوهُ سَوْطَهُ فَأَبَوْا، فَسَأَلَهُمْ رُمْحَهُ فَأَبَوْا عَلَيْهِ، فَأَخَذَهُ فَشَدَّ عَلَى الْجِمَارِ فَقَتَلَهُ فَأَكَلَ مِنْهُ بَعْضُ أَصْحَابِ النَّبِيِّ ﷺ وَأَبَى بَعْضُهُمْ، فَأَدْرَكُوا النَّبِيَّ ﷺ فَسَأَلُوهُ عَنْ ذَلِكَ فَقَالَ: «إِنَّمَا هِيَ طُعْمَةٌ أَطْعَمَكُمُوهَا» الله.

تخریج: متفق عليه، وأخرجه مسلم، الحج، باب تحريم الصيد المأكول البري... إلخ، ح: ۱۱۹۶ عن قتيبة، والبخاري، الجهاد والسير، باب ما قيل في الرماح، ح: ۲۹۱۴، ۱۸۲۳ من حديث مالك به وهو في الموطأ: ۱/ ۳۵۰ (يحيى).

Comments:

Why Abū Qatādah was not *Muḥrim* when he was accompanying the Prophet ﷺ? The scholars have given various answers to this question. The best and correct answer seems to be the narration of Abū Sa'eed Al-Khudrī. In this narration it is narrated that the Prophet ﷺ had sent Abū Qatādah to collect *Zakāt* and the Prophet ﷺ and his Companions were going to perform *'Umrāh*, on his way to Makkah Abū Qatādah met them at a place called Asfān, and there this incident took place.

848. (Another chain that) Abū Qatādah narrated about the wild donkey, and it is similar to the (previous) narration of Abū An-Naḍr except that in the narration of Zaid bin Aslam he said that the Messenger of Allāh ﷺ said: "Do you have any of its meat left with you?" (*Ṣaḥīh*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīh*.

۸۴۸ - حَدَّثَنَا قُتَيْبَةُ عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ أَبِي قَتَادَةَ فِي جِمَارِ الْوَحْشِ مِثْلَ حَدِيثِ أَبِي النَّضْرِ غَيْرَ أَنَّ فِي حَدِيثِ زَيْدِ بْنِ أَسْلَمَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «هَلْ مَعَكُمْ مِنْ لَحْمِهِ شَيْءٌ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: [صحیح] متفق عليه، وأخرجه مسلم، الحج، باب تحريم الصيد المأكول البري... إلخ، ح: ۱۱۹۶ عن قتيبة والبخاري، ح: ۵۴۹۱ من حديث مالك به وهو في الموطأ: ۱/ ۳۵۱ (يحيى).

Comments:

The Prophet ﷺ asked them to give him some, if they still had some of the meat.

Chapter 26. What Has Been Related About: The Meat Of Game Is Disliked For The *Muḥrim*

849. Ibn 'Abbās narrated that Aṣ-Ṣ'ab bin Jath-thāmah informed him that the Messenger of Allāh ﷺ had passed him at Al-Abwā' or Bawaddān.^[1] He (Aṣ-Ṣ'ab) gave him a wild donkey but he refused

(المعجم ۲۶) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ لَحْمِ الصَّيْدِ لِلْمُحْرِمِ (التحفة ۲۶)

۸۴۹ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ: أَنَّ ابْنَ عَبَّاسٍ أَخْبَرَهُ: أَنَّ الصَّعْبَ بْنَ جَثَّامَةَ أَخْبَرَهُ: أَنَّ رَسُولَ اللَّهِ ﷺ مَرَّ بِهِ بِالْأَبْوَاءِ أَوْ

[1] These are two places near Juhfah, the first is a mountain.

it. When the Messenger of Allāh ﷺ noticed on his face that he was upset, he said: "We would not refuse you, but we are in *Ihrām*." (*Sahih*)

Abū 'Eīsā said: This *Hadīth* is *Hasan Sahih*. There are those among the people of knowledge, among the Companions of the Prophet ﷺ and others, who followed this *Hadīth*, and disliked eating of game for the *Muḥrim*. *Ash-Shāfi'ī* said: "The meaning of this *Hadīth* according to us, is that he only refused it because he thought that he hunted it for him, so he avoided it out of caution." Some of the companions of Az-Zuhri reported this *Hadīth* from him saying: "He gave him a gift of some meat from a wild donkey" but it (the narration) is not preserved.

(He said:) There are narrations on this topic from 'Alī and Zaid bin Arqam.

يُودَانُ فَأَهْدَى لَهُ جِمَارًا وَحْشِيًّا فَرَدَّهُ عَلَيْهِ، فَلَمَّا رَأَى رَسُولُ اللَّهِ ﷺ مَا فِي وَجْهِهِ [مِنْ] الْكَرَاهِيَةِ قَالَ: «إِنَّهُ لَيْسَ بِنَا رَدُّ عَلَيْكَ وَلَكِنَّا حُرْمٌ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ ذَهَبَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ إِلَى هَذَا الْحَدِيثِ وَكَرِهُوا أَكْلَ الصَّيْدِ لِلْمُحْرِمِ. وَقَالَ الشَّافِعِيُّ: إِنَّمَا وَجْهُ هَذَا الْحَدِيثِ عِنْدَنَا إِنَّمَا رَدَّهُ عَلَيْهِ لَمَّا ظَنَّ أَنَّهُ صَيْدٌ مِنْ أَجْلِهِ وَتَرَكَهُ عَلَى التَّنَزُّهِ. وَقَدْ رَوَى بَعْضُ أَصْحَابِ الزُّهْرِيِّ عَنِ الزُّهْرِيِّ هَذَا الْحَدِيثَ وَقَالَ: أَهْدَى لَهُ لَحْمَ جِمَارٍ وَحْشٍ وَهُوَ غَيْرُ مَحْفُوظٍ.

[قَالَ:] وَفِي الْبَابِ عَنْ عَلِيٍّ وَزَيْدِ بْنِ أَرْقَمٍ.

تخريج: متفق عليه، وأخرجه مسلم، ح: ١١٩٣ (انظر الحديث السابق) عن قتيبة والبخاري، ح: ١٨٢٥ من حديث ابن شهاب الزهري به * وفي الباب عن علي [أبو داود، ح: ١٨٤٩] وزيد بن أرقم [أبو داود، ح: ١٨٥٠].

Comments:

It appears from the narration of *Sahih Muslim* that As-S'ab bin Jath-thāmah hunted a donkey for the Prophet ﷺ and presented it to him at place called Al-Abwā' or Waddān which are twin villages. As this donkey was hunted for him he did not accept it. As-S'ab slaughtered the donkey in the hope that the Prophet ﷺ will accept it, but he refused it again.

Chapter 27. What Has Been Related About The Game Of The Sea For The *Muḥrim*

850. Abū Hurairah narrated: "We went with the Messenger of Allāh during *Hajj* or 'Umrah and we

(المعجم ٢٧) - بَابُ مَا جَاءَ فِي صَيْدِ

الْبَحْرِ لِلْمُحْرِمِ (التحفة ٢٧)

٨٥٠ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا وَكِيعٌ عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ أَبِي الْمُهَرَّمِ، عَنْ

encountered a swarm of locusts. We began striking at them with our whips and our staffs, and the Prophet ﷺ said: "Eat it, for indeed it is game of the sea." (*Ḍa'if*)

Abū 'Eīsā said: This *Ḥadīth* is *Gharīb* we do not know of it except as a narration of Abū Al-Muhazzim, from Abū Hurairah. Abū Muhazzim's name is Yazīd bin Sufyān and he was criticized by Shu'bah. There are those among the people of knowledge who allowed the *Muḥrim* to catch locusts and eat them. Some of them thought that *Sadaqah* (expiations) was due from him if he tried to catch it or eat it.

أَبِي هُرَيْرَةَ قَالَ: خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ فِي حَجٍّ أَوْ عُمْرَةٍ فَاسْتَقْبَلَنَا رَجُلٌ مِنْ جَرَادٍ فَجَعَلْنَا نَضْرِبُهُ بِأَسْيَاطِنَا وَعَصِيْنَا فَقَالَ النَّبِيُّ ﷺ: «كُلُوهُ فَإِنَّهُ مِنْ صَيْدِ الْبَحْرِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ أَبِي الْمُهَزَّمِ عَنْ أَبِي هُرَيْرَةَ. وَأَبُو الْمُهَزَّمِ اسْمُهُ يَزِيدُ بْنُ سُفْيَانَ وَقَدْ تَكَلَّمَ فِيهِ شُعْبَةُ. وَقَدْ رَخَّصَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ لِلْمُحْرِمِ أَنْ يَصِيدَ الْجَرَادَ وَيَأْكُلَهُ. وَرَأَى بَعْضُهُمْ أَنَّ عَلَيْهِ صَدَقَةٌ إِذَا اضْطَّادَهُ أَوْ أَكَلَهُ.

تخريج: [إسناده ضعيف جدًا] وأخرجه ابن ماجه، الصيد، باب صيد الحيتان والجراد، ح: ٣٢٢٢ من حديث وكيع به، أبوالمهزم ضعيف جدًا، انظر تسهيل الحاجة، ح: ٣٠٨٦.

Comments:

Most of the religious scholars consider the locusts as the prey of land because it dies when it falls in the water, so the penalty is a must but, there is difference of opinion in determining the penalty. (see *Al-Mughnī* v. 5. p 401.)

Chapter 28. What Has Been Related About A Badger Killed By A *Muḥrim*

(المعجم ٢٨) - بَابُ مَا جَاءَ فِي الضَّبُعِ يُصَيِّبُهَا الْمُحْرِمُ (التحفة ٢٨)

851. Ibn Abī 'Ammār said: "I asked Jābir bin 'Abdullāh: 'Is the hyena game?' He said: 'Yes.'" He said: "I said: 'Can it be eaten?' He said: 'Yes.'" He said: "I said: 'Did the Messenger of Allāh ﷺ say that?' He said: 'Yes.'" (*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. 'Alī (bin Al-Madīnī) said: "Yaḥya bin Sa'eed reported

٨٥١ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا ابْنُ جُرَيْجٍ عَنْ عَبْدِ اللَّهِ بْنِ عُبَيْدِ بْنِ عُمَيْرٍ، عَنِ ابْنِ أَبِي عَمَّارٍ قَالَ: قُلْتُ لِجَابِرِ بْنِ عَبْدِ اللَّهِ: الضَّبُعُ أَصَيْدٌ هِيَ؟ قَالَ: نَعَمْ، قَالَ: قُلْتُ: أَكَلُهَا؟ قَالَ: نَعَمْ، قَالَ: قُلْتُ: أَقَالَهُ رَسُولُ اللَّهِ ﷺ؟ قَالَ: نَعَمْ.

this *Hadīth* from Jarīr bin Ḥāzim, so he said: ‘From Jābir, from ‘Umar.’” The *Hadīth* of Ibn Juraij is more correct and it is the view of Aḥmad and Ishāq. This *Hadīth* is acted upon according to some of the people of knowledge; when the *Muḥrim* kills a hyena then the penalty is due from him.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. قَالَ عَلِيُّ [بْنُ الْمَدِينِيِّ]: قَالَ يَحْيَى بْنُ سَعِيدٍ: رَوَى جَرِيرُ بْنُ حَازِمٍ هَذَا الْحَدِيثَ فَقَالَ عَنْ جَابِرٍ، عَنْ عُمَرَ وَحَدِيثُ ابْنِ جُرَيْجٍ أَصَحُّ وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ. وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ فِي الْمُحْرِمِ إِذَا أَصَابَ ضُبْعًا أَنَّ عَلَيْهِ الْجَزَاءَ.

تخريج: [صحيح] وأخرجه النسائي: ١٩١/٥، ح: ٢٨٣٩ (مناسك الحج، باب ما لا يقتله المحرم) من حديث ابن جريج به وصححه ابن خزيمة، ح: ٢٦٤٥، ٢٦٤٦ وابن حبان (الإحسان): ٣٩٥٤ وابن الجارود، ح: ٤٣٨ والحاكم على شرط الشيخين: ٤٥٢/١ ووافقه الذهبي.

Comments:

See the author's comments in the chapter about eating badgers, where this *Hadīth*, which is authentic, appears again (no. 1791).

Chapter 29. What Has Been Related About Performing *Ghusl* When Entering Makkah

852. Ibn ‘Umar narrated: “The Prophet ﷺ performed *Ghusl* for entering Makkah at Fakhkh.”^[1] (*Da‘if*)

Abū ‘Eisā said: This *Hadīth* is not preserved, what is correct is what Nāfi‘ reported from Ibn ‘Umar; that he would perform *Ghusl* for entering Makkah, and based upon that, Ash-Shāfi‘ī said that *Ghusl* for entering Makkah is recommended.

‘Abdur-Rahmān bin Zaid bin Aslam (one of the narrators) is

(المعجم ٢٩) - بَابُ مَا جَاءَ فِي
الْاِغْتِسَالِ لِدُخُولِ مَكَّةَ (التحفة ٢٩)

٨٥٢ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى: أَخْبَرَنِي هَارُونُ بْنُ صَالِحٍ [الْبَلْخِيُّ]: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ زَيْدِ بْنِ أَسْلَمَ عَنْ أَبِيهِ، عَنْ ابْنِ عُمَرَ قَالَ: اغْتَسَلَ النَّبِيُّ ﷺ لِدُخُولِ مَكَّةَ بَغْغًا.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَيْرٌ مَحْفُوظٌ وَالصَّحِيحُ مَا رَوَى نَافِعٌ عَنْ ابْنِ عُمَرَ: أَنَّهُ كَانَ يَغْتَسِلُ لِدُخُولِ مَكَّةَ.

[1] Fakhkh is a valley of Makkah (*Mu‘jam Al-Buldān*).

weak in *Hadīth*. He was graded weak by Aḥmad bin Hanbal, ‘Alī bin Al-Madīnī, and others, and we do not know of this *Hadīth* being narrated in *Marfū‘* form except from him (‘Abdur-Raḥmān).

وَبِهِ يَقُولُ الشَّافِعِيُّ يُسْتَحَبُّ الْاِغْتِسَالُ
لِدُخُولِ مَكَّةَ. وَعَبْدُ الرَّحْمَنِ بْنُ زَيْدِ بْنِ أَشْلَمَ
ضَعِيفٌ فِي الْحَدِيثِ ضَعَفَهُ أَحْمَدُ بْنُ حَنْبَلٍ
وَعَلِيُّ بْنُ الْمَدِينِيِّ وَغَيْرُهُمَا وَلَا نَعْرِفُ هَذَا
[الْحَدِيثَ] مَرْفُوعًا إِلَّا مِنْ حَدِيثِهِ.

تخريج: [إسناده ضعيف جدًا] وأخرجه الدارقطني: ٢/٢٢١، ح: ٢٤١٢ من حديث هارون ابن صالح به * عبدالرحمن بن زيد بن أسلم: ضعيف جدًا فيما يروي عن أبيه.

Comments:

In the light of another narration it is recommended and approved to take a bath before entering Makkah. Imām Al-Bukhārī in his Book *Ṣaḥīḥ Al-Bukhārī* has written a chapter on this topic, and in this chapter Hafiz Ibn Hajar has quoted Ibn Al-Mundhir saying that according to most of the people of knowledge taking a bath before entering Makkah is recommended and there is no penalty at all if a bath is not taken. Most of them say that ablution is enough.

Chapter 30. What Has Been Related About The Prophet ﷺ Entering Makkah From Its Higher Side, And Leaving From Its Lower Side

(المعجم ٣٠) - بَابُ مَا جَاءَ فِي دُخُولِ
النَّبِيِّ ﷺ مَكَّةَ مِنْ أَعْلَاهَا وَخُرُوجِهِ مِنْ
أَسْفَلِهَا (التحفة ٣٠)

853. ‘Āishah narrated: “When the Prophet ﷺ came to Makkah he entered it from its higher side, and left from its lower side.” (*Ṣaḥīḥ*)

(He said:) There is something on this topic from Ibn ‘Umar.

Abū ‘Eīsā said: The *Hadīth* of ‘Āishah is a *Hasan Ṣaḥīḥ Hadīth*.

٨٥٣ - حَدَّثَنَا أَبُو مُوسَى مُحَمَّدُ بْنُ
الْمُنَنَّى: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ هِشَامِ بْنِ
عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: لَمَّا جَاءَ
النَّبِيُّ ﷺ إِلَى مَكَّةَ دَخَلَهَا مِنْ أَعْلَاهَا وَخَرَجَ
مِنْ أَسْفَلِهَا.

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عُمَرَ.

قَالَ أَبُو عِيسَى: حَدِيثُ عَائِشَةَ حَدِيثٌ
حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه البخاري، الحج، باب من أين يخرج من مكة؟، ح: ١٥٧٧ ومسلم، ح: ١٢٥٨ عن محمد بن المنثري به * وفي الباب عن ابن عمر [البخاري، ح: ١٥٧٥ ومسلم، ح: ١٢٥٧].

Comments:

The Eastern side of Makkah is known as Kadā', it is the higher side, and also referred to as Hajūn.

Chapter 31. What Has Been Related About The Prophet ﷺ Entering Makkah During The Day

854. Ibn 'Umar narrated: "The Prophet ﷺ entered Makkah during the daytime." (*Hasan*)

Abū 'Eisā said: This *Hadīth* is *Hasan*.

(المعجم ٣١) - بَابُ مَا جَاءَ فِي دُخُولِ النَّبِيِّ ﷺ مَكَّةَ نَهَارًا (التحفة ٣١)

٨٥٤ - حَدَّثَنَا يُوسُفُ بْنُ عِيسَى: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا الْعُمَرِيُّ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ دَخَلَ مَكَّةَ نَهَارًا. قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، المناسك، باب دخول مكة، ح: ٢٩٤١ من حديث وكيع به وانظر تسهيل الحاجة، ح: ٣٦٦، ١٢٩٩ لحال العمري عن نافع.

Comments:

It is recommended to enter Makkah at day time (*Fath Al-Bārī* v. 3. p.550)

Chapter 32. What Has Been Related About It's Being Disliked To Raise The Hand When One Sees the House (Ka'bah)

855. Al-Muhājir Al-Makkī said: "Jābir bin 'Abdullāh was asked about a man raising his hands when he sees the House (Ka'bah). So he said: 'We performed *Hajj* with the Messenger of Allāh ﷺ and we did it.'" (*Da'if*)

Abū 'Eisā said: We only know of raising the hand when seeing the House from the narration of *Shu'bah* from Abū Qaza'ah, and Abū Qaza'ah is Suwaid bin Hujair.

(المعجم ٣٢) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ رَفْعِ الْيَدِ عِنْدَ رُؤْيَةِ الْبَيْتِ (التحفة ٣٢)

٨٥٥ - حَدَّثَنَا يُوسُفُ بْنُ عِيسَى: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي قَرْعَةَ الْبَاهِلِيِّ، عَنِ الْمُهَاجِرِ الْمَكِّيِّ قَالَ: سُئِلَ جَابِرُ بْنُ عَبْدِ اللَّهِ أَيْزَعُ الرَّجُلُ يَدِيهِ إِذَا رَأَى الْبَيْتَ؟ فَقَالَ: حَجَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ فَكُنَّا نَفْعَلُهُ. قَالَ أَبُو عِيسَى: رَفْعُ الْيَدِ عِنْدَ رُؤْيَةِ الْبَيْتِ إِنَّمَا نَعْرِفُهُ مِنْ حَدِيثِ شُعْبَةَ عَنْ أَبِي قَرْعَةَ. وَأَبُو قَرْعَةَ سُوَيْدُ بْنُ حُجَيْرٍ.

تخريج: [ضعيف] وأخرجه أبو داود، المناسك، باب: في رفع اليد إذا رأى البيت، ح: ١٨٧٠ والنسائي: ٢١٢/٥، ح: ٢٨٩٨ من حديث شعبة به وصححه ابن خزيمة، ح: ٢٧٠٤، ٢٧٠٥ * المهاجر المكي وثقه ابن حبان وابن خزيمة وقال أبو حاتم: ليس بالمشهور، والحديث ضعفه الثوري وابن المبارك وأحمد وإسحاق وغيرهم لأن مهاجرًا عندهم مجهول والله أعلم.

Comments:

There is no proof of raising hands from any authentic narration on seeing the Ka'bah, but there are reports from the Companions of the Prophet ﷺ for making supplications on seeing the Ka'bah.

Chapter 33. What Has Been Related About How To Perform *Tawāf*

(المعجم ٣٣) - بَابُ مَا جَاءَ كَيْفَ الطَّوَافُ (التحفة ٣٣)

856. Jābir narrated: "When the Prophet ﷺ arrived in Makkah, he entered the *Masjid* and touched the (Black) Stone, then went to his right and performed *Raml* (walking quickly) for three (circuits) and walking for four. Then he came to the *Maqām*^[1] and said: 'And take you (people) the *Maqām* (place) of Ibrāhīm as a place of prayer.'^[2] Then he performed two *Rak'ah* while the *Maqām* was between him and the House. Then he came to the (Black) Stone after the two *Rak'ah* to touch it, then he left to Aş-Şafā - I think - he said: Indeed Aş-Şafā and Al-Marwah are among the Symbols of Allāh."^[3] (*Ṣaḥīḥ*)

(He said:) There is something on this topic from Ibn 'Umar.

Abū 'Eisā said: The *Ḥadīth* of Jābir is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to the people of knowledge.'

٨٥٦ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ: حَدَّثَنَا سُفْيَانُ [الثَّوْرِيُّ] عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ جَابِرٍ قَالَ: لَمَّا قَدِمَ النَّبِيُّ ﷺ مَكَّةَ دَخَلَ الْمَسْجِدَ فَاسْتَلَمَ الْحَجَرَ ثُمَّ مَضَى عَلَى يَمِينِهِ فَرَمَلَ ثَلَاثًا وَمَشَى أَرْبَعًا ثُمَّ أَتَى الْمَقَامَ فَقَالَ: ﴿وَاتَّخِذُوا مِنْ مَّقَامِ إِبْرَاهِيمَ مُصَلًّى﴾ [البقرة: ١٢٥] فَصَلَّى رَكْعَتَيْنِ وَالْمَقَامُ بَيْنَهُ وَبَيْنَ الْبَيْتِ، ثُمَّ أَتَى الْحَجَرَ بَعْدَ الرَّكْعَتَيْنِ فَاسْتَلَمَهُ ثُمَّ خَرَجَ إِلَى الصَّفَا - أَظُنُّهُ - قَالَ: ﴿إِنَّ الصَّفَا وَالْمَرْوَةَ مِنْ سَعَائِرِ اللَّهِ﴾ [البقرة: ١٥٨].

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عُمَرَ. قَالَ أَبُو عِمْسَى: حَدِيثُ جَابِرٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ.

تخريج: وأخرجه مسلم، الحج، باب حجة النبي ﷺ، ح: ١٥٠/١٢١٨ من حديث يحيى بن آدم به * وفي الباب عن ابن عمر [البخاري، ح: ١٦٠٣ ومسلم، ح: ١٢٦١].

^[1] The station of Ibrāhīm mentioned in the *Āyāh*.

^[2] *Al-Baqarah* 2:125.

^[3] *Al-Baqarah* 2:158.

Comments:

It is unanimously agreed upon that the circumambulation of Ka'bah should be started at the Black Stone, and while performing circumambulation the Ka'bah should be on the left side. The first three circles of Ka'bah should be with short and nimble steps (*Raml*) and rest of the four circles should be completed by normal walking. This (*Raml*) is only in the first *Tawāf* after arriving in Makkah.

Chapter 34. What Has Been Related About Performing *Raml* From The (Black) Stone To The (Black) Stone

(المعجم ٣٤) - بَابُ مَا جَاءَ فِي الرَّمْلِ
مِنَ الْحَجَرِ إِلَى الْحَجَرِ (التحفة ٣٤)

857. Jābir narrated: "The Prophet ﷺ performed *Raml* from the (Black) Stone to the (Black) Stone for three (circuits), and he walked four (circuits)." (*Ṣaḥīḥ*)

(He said:) There is something about this from Ibn 'Umar.

Abū 'Eisā said: The *Hadīth* of Jābir is a *Ḥasan Ṣaḥīḥ Hadīth*, and this is acted upon according to the people of knowledge. Ash-Shāfi'ī said: "If he avoids *Raml* on purpose then he has committed an offense but nothing is required from him, and if he does not perform *Raml* for the three circuits then he is not to perform *Raml* in the rest." Some of the people of knowledge say that the people of Makkah, and those who assume *Ihrām* in it, are not required to perform *Raml*.

٨٥٧ - حَدَّثَنَا عَلِيُّ بْنُ خَشْرَمٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ عَنْ مَالِكِ بْنِ أَنَسٍ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ جَابِرٍ: أَنَّ النَّبِيَّ ﷺ رَمَلَ مِنَ الْحَجَرِ إِلَى الْحَجَرِ ثَلَاثًا وَمَشَى أَرْبَعًا.

[قَالَ:] وَفِي الْبَابِ عَنْ ابْنِ عُمَرَ.
قَالَ أَبُو عِيسَى: حَدِيثُ جَابِرٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ. قَالَ الشَّافِعِيُّ: إِذَا تَرَكَ الرَّمْلَ عَمْدًا فَقَدْ أَسَاءَ وَلَا شَيْءَ عَلَيْهِ، وَإِذَا لَمْ يَزْمُلْ فِي الْأَشْوَاطِ الثَّلَاثَةَ لَمْ يَزْمُلْ فِيهَا بَقِي. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: لَيْسَ عَلَى أَهْلِ مَكَّةَ رَمْلٌ وَلَا عَلَى مَنْ أَحْرَمَ مِنْهَا.

تخریج: [إسناده صحيح] وأخرجه مسلم، الحج، باب استحباب الرمل في الطواف في العمرة... إلخ، ح: ١٢٦٣ من حديث ابن وهب به وهو في الموطأ: ٣٦٤/١ (يحيى) * وفي الباب عن ابن عمر [البخاري، ح: ١٦٠٤ ومسلم، ح: ١٢٦١].

Comments:

The beginning of *Raml* started in the 7th year of *Hijrah* at the time of performing '*Umratul-Qadā*' in response to the sarcastic remarks of the disbelievers of Makkah that the Muslims have become weak due to the fever of Yathrib. They sat on the top of the hill known as *Qiqā'an*, to watch the

performance of Muslims. The Prophet ﷺ ordered the Muslims to show their strength and power by making *Raml* in first three circles from the Black Stone to the Yamānī corner, because the disbelievers were sitting on that side of Ka'bah.

Chapter 35. What Has Been Related About Touching The (Black) Stone And The Yemeni Corner And Not The Other Corners

858. Abū Ṭufail narrated: "I was with Ibn 'Abbās, and Mu'āwiyah would not pass any corner without touching it. So Ibn 'Abbās said to him: 'The Prophet ﷺ would not touch any besides the Black Stone and the Yemeni corner.' So Mu'āwiyah said: 'There is no part of the House that is untouchable.'" (*Hasan*)

(He said:) There is something about this from Ibn 'Umar.

Abū 'Eisā said: The *Ḥadīth* of Ibn 'Abbās is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon by most of the people of knowledge; one does not touch (any corner) but the Black Stone and the Yemeni corner.

(المعجم ٣٥) - بَابُ مَا جَاءَ فِي اسْتِلَامِ
الْحَجَرِ وَالرُّكْنِ الْيَمَانِيِّ دُونَ مَا
سِوَاهُمَا (التحفة ٣٥)

٨٥٨ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا سُفْيَانُ وَمَعْمَرٌ عَنْ ابْنِ خُثَيْمٍ، عَنْ أَبِي الطُّفَيْلِ قَالَ: كُنْتُ مَعَ ابْنِ عَبَّاسٍ، وَمُعَاوِيَةَ لَا يَمُرُّ بِرُكْنٍ إِلَّا اسْتَلَمَهُ، فَقَالَ لَهُ ابْنُ عَبَّاسٍ: إِنَّ النَّبِيَّ ﷺ لَمْ يَكُنْ يَسْتَلِمُ إِلَّا الْحَجَرَ الْأَسْوَدَ وَالرُّكْنَ الْيَمَانِيَّ، فَقَالَ مُعَاوِيَةُ: لَيْسَ شَيْءٌ مِنَ الْبَيْتِ مَهْجُورًا. [قَالَ:] وَفِي الْبَابِ عَنْ عُمَرَ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ أَنْ لَا يَسْتَلِمَ إِلَّا الْحَجَرَ الْأَسْوَدَ وَالرُّكْنَ الْيَمَانِيَّ.

تخريج: [إسناده حسن] وأخرجه أحمد: ٣٣٢/١ عن عبد الرزاق به وأصله عند مسلم، ح: ١٢٦٩ من حديث أبي الطفيل، والبخاري، ح: ١٦٠٨ من حديث ابن عباس به * وفي الباب عن عمر [يأتي: ٨٦٠].

Comments:

"*Istilām*" means touching and kissing. *Istilām* of Black Stone should be started if possible by touching and kissing it and if even touching is not possible due to the rush and crowd of people, then by pointing towards it.

Chapter 36. What Has Been Related About The Prophet ﷺ While Performed *Tawāf* *Muḍṭabi'an*

859. Ibn Ya'lā narrated from his

(المعجم ٣٦) - بَابُ مَا جَاءَ أَنَّ النَّبِيَّ
ﷺ طَافَ مُضْطَبِعًا (التحفة ٣٦)

٨٥٩ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا

father: "The Prophet ﷺ performed *Tawāf* of the House *Mudṭabī'an*, and he was wearing a *Burd*."^[1] (*Da'īf*)

Abū 'Eīsā said: This is the narration of Ath-Thawrī from Ibn Juraij. We do not know of it except from his narration, and it is a *Hasan Ṣaḥīḥ Hadīth*. 'Abdul-Hamīd (one of the narrators) is Ibn Jubair bin *Shaiḥ* (who reported it from) Ibn Ya'lā from his father, and he is Ya'lā bin Umayyah.

تخریج: [إسناده ضعيف] وأخرجه ابن ماجه، المناسك، باب الاضطباع، ح: ٢٩٥٤ من حديث قبيصة به ابن جريج والثوري عنن.

Comments:

Idṭibā' means wearing the sheet of *Ihrām* in a way by taking the one corner of the sheet from under the right shoulder and through the armpit and putting it on the other shoulder (left shoulder). In this way the right shoulder remains exposed, and it is symbol of power. One should remain in this form in every circle of the *Tawāf* of arrival, while neither *Raml* nor *Idṭibā'* are reported in any other *Tawāf*. And this (*Idṭibā'*) is reported in authentic narrations..

Chapter 37. What Has Been Related About Kissing The (Black) Stone

860. 'Abbās bin Rabī'ah said: "I saw 'Umar bin Al-Khaṭṭāb kissing the (Black) Stone and saying: 'I am kissing you while I know that you are just a stone, and if I had not seen the Messenger of Allāh ﷺ kissing you, I would not kiss you.'" (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Abū Bakr and Ibn 'Umar.

Abū 'Eīsā said: The *Hadīth* of 'Umar is a *Hasan Ṣaḥīḥ Hadīth*. This is acted upon according to the people of knowledge, they consider it recommended to kiss the (Black)

قَبِيصَةُ عَنْ سُفْيَانَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَبْدِ الْحَمِيدِ، عَنْ ابْنِ يَعْلَى، عَنْ أَبِيهِ [أَنَّ] النَّبِيَّ ﷺ طَافَ بِالْبَيْتِ مُضْطَبِعًا وَعَلَيْهِ بُرْدٌ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثُ الثَّوْرِيِّ عَنْ ابْنِ جُرَيْجٍ [و] لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِهِ وَهُوَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَعَبْدُ الْحَمِيدِ هُوَ ابْنُ جُبَيْرِ بْنِ شَيْبَةَ عَنْ ابْنِ يَعْلَى، عَنْ أَبِيهِ وَهُوَ يَعْلَى بْنُ أُمَيَّةَ.

(المعجم ٣٧) - بَابُ مَا جَاءَ فِي تَقْبِيلِ الْحَجَرِ (التحفة ٣٧)

٨٦٠ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَائِشِ بْنِ رَبِيعَةَ قَالَ: رَأَيْتُ عُمَرَ بْنَ الْخَطَّابِ يَقْبَلُ الْحَجَرَ وَيَقُولُ: إِنِّي أَقْبَلُكَ وَأَعْلَمُ أَنَّكَ حَجَرٌ، وَلَوْلَا أَنِّي رَأَيْتُ رَسُولَ اللَّهِ ﷺ يَقْبَلُكَ لَمْ أَقْبَلُكَ.

[قَالَ:] وفي الباب عن أبي بكرٍ وابنِ عمرَ. قَالَ أَبُو عِيسَى: حَدِيثُ عُمَرَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ

[1] *Burd* is a type of cloth, or a garment, that has designs or embroidery on it.

Stone. If it is not possible for him to reach it, then he touches it with his hand and kisses his hand. If he cannot reach it, then, when he is parallel to it, he faces it and says the *Takbīr*, and this is the saying of *Ash-Shāfi'ī*.

الْعِلْمُ يَسْتَجِبُونَ تَقْيِيلَ الْحَجَرِ فَإِنْ لَمْ يُمْكِنَهُ أَنْ يَصِلَ إِلَيْهِ اسْتَلَمَهُ بِيَدِهِ وَقَبَّلَ يَدَهُ، وَإِنْ لَمْ يَصِلْ إِلَيْهِ اسْتَقْبَلَهُ إِذَا حَادَى بِهِ وَكَبَّرَ، وَهُوَ قَوْلُ الشَّافِعِيِّ.

تخريج: متفق عليه، وأخرجه مسلم، الحج، باب استحباب تقْيِيل الحجر الأسود في الطواف، ح: ١٢٧٠ من حديث أبي معاوية الضرير والبخاري، الحج، باب ما ذكر في الحجر الأسود، ح: ١٥٩٧ من حديث الأعمش به * وفي الباب عن أبي بكر [الدارقطني في العلل الواردة: ١/١٦٧] وابن عمر [يأتي: ٨٦١].

Comments:

This narration of 'Ābis bin Rabi'ah is also present in *Ṣaḥīḥ Al-Bukhārī* and *Ṣaḥīḥ Muslim*. There it includes the words "you cannot benefit or harm anyone." 'Umar uttered these words purposely to make it clear that the Black Stone has no power to benefit or harm the people. Kissing this stone is only done following the *Sunnah* of the Messenger of Allāh ﷺ.

861. Az-Zubair bin 'Arabī narrated that a man asked Ibn 'Umar about touching the (Black) Stone, so he said: "I saw the Prophet ﷺ touching it and kissing it." So the man said: "What is your view if there is a throng (around the Ka'bah) and what is your view if the people overpowered me?" Ibn 'Umar said: "Leave 'What is your view' in Yemen. I saw the Prophet ﷺ touching it and kissing it." (*Ṣaḥīḥ*)

He said: This is the Az-Zubair bin 'Arabī that Ḥammād bin Zaid reports from. And the Az-Zubair bin 'Arabī from Al-Kūfah – whose *Kunya* is Abū Salamah – he heard from Anas bin Mālik and others among the Companions of the Prophet ﷺ. Sufyān Ath-Thawrī and others among the *A'imma* reported from him. Abū 'Eisā said: The *Ḥadīth* of Ibn 'Umar is a

٨٦١ - [حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنِ الزُّبَيْرِ بْنِ عَرَبِيٍّ: أَنَّ رَجُلًا سَأَلَ ابْنَ عُمَرَ عَنِ اسْتِلَامِ الْحَجَرِ فَقَالَ: رَأَيْتُ النَّبِيَّ ﷺ يَسْتَلِمُهُ وَيُقَبِّلُهُ فَقَالَ الرَّجُلُ، أَرَأَيْتَ إِنْ غُلِبْتُ عَلَيْهِ؟ أَرَأَيْتَ إِنْ زُوِجِمْتُ؟ فَقَالَ ابْنُ عُمَرَ: اجْعَلْ أَرَأَيْتَ بِالْيَمَنِ رَأَيْتُ النَّبِيَّ ﷺ يَسْتَلِمُهُ وَيُقَبِّلُهُ. قَالَ: وَهَذَا هُوَ الزُّبَيْرُ بْنُ عَرَبِيٍّ رَوَى عَنْهُ حَمَّادُ بْنُ زَيْدٍ، وَالزُّبَيْرُ بْنُ عَرَبِيٍّ كُوفِيٌّ يُكْنَى أَبَا سَلَمَةَ، سَمِعَ مِنْ أَنَسِ بْنِ مَالِكٍ وَغَيْرِ وَاحِدٍ مِنْ أَصْحَابِ النَّبِيِّ ﷺ، رَوَى عَنْهُ سُفْيَانُ الثَّوْرِيُّ وَغَيْرُ وَاحِدٍ مِنَ الْأَئِمَّةِ. قَالَ أَبُو عِيْسَى: حَدِيثُ ابْنِ عُمَرَ حَدِيثٌ حَسَنٌ صَحِيحٌ وَقَدْ رَوَى عَنْهُ مِنْ غَيْرِ وَجْهٍ].

Hasan Ṣaḥīḥ Ḥadīth, and it has been reported from him through more than one route.

تخريج: وأخرجه البخاري، الحج، باب تقبيل الحجر، ح: ١٦١١ من حديث حماد بن زيد به.

Comments:

Ibn 'Umar's answer emphasizes that our utmost effort should be to follow the *Sunnah* of the Prophet ﷺ, and that we should not make lame excuses.

Chapter 38. What Has Been Related About Beginning With Aṣ-Ṣafā Before Al-Marwah

(المعجم ٣٨) - بَابُ مَا جَاءَ أَنَّهُ يُبْدَأُ
بِالصَّفَا قَبْلَ الْمَرْوَةِ (التحفة ٣٨)

862. Jābir narrated: "When the Prophet ﷺ arrived in Makkah, he performed seven (circuits) of *Tawāf* around the House. Then he came to the *Maqām* and said: And take you (people) the *Maqām* (place) of Ibrāhīm as a place of prayer.^[1] Then he prayed behind the *Maqām*. Then he came to the (Black) Stone to touch it. Then he said: 'We begin with what Allāh began with.' So he began at Aṣ-Ṣafā and recited: Indeed Aṣ-Ṣafā and Al-Marwah are among the Symbols of Allāh."^[2] (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. This is acted upon according to the people of knowledge. One begins with Aṣ-Ṣafā before Al-Marwah, if he begins with Al-Marwah before Aṣ-Ṣafā then it will not be acceptable and he has to start at Aṣ-Ṣafā. The people of knowledge differ over one who performs *Tawāf* of the House but does not go between

٨٦٢ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا
سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ
أَبِيهِ، عَنْ جَابِرٍ: أَنَّ النَّبِيَّ ﷺ حِينَ قَدِمَ مَكَّةَ
فَطَافَ بِالْبَيْتِ سَبْعًا وَأَتَى الْمَقَامَ، فَقَرَأَ
﴿وَاتَّخِذُوا مِنْ مَقَامِ إِبْرَاهِيمَ مُصَلًّى﴾
[البقرة: ١٢٥] فَصَلَّى خَلْفَ الْمَقَامِ ثُمَّ أَتَى
الْحَجَرَ فَاسْتَلَمَهُ ثُمَّ قَالَ: نَبْدَأُ بِمَا بَدَأَ اللَّهُ بِهِ،
فَبَدَأَ بِالصَّفَا وَقَرَأَ: ﴿إِنَّ الصَّفَا وَالْمَرْوَةَ مِنْ
سَعَابِرِ اللَّهِ﴾ [البقرة: ١٥٨].

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ
أَنَّهُ يُبْدَأُ بِالصَّفَا قَبْلَ الْمَرْوَةِ، فَإِنْ بَدَأَ بِالْمَرْوَةِ
قَبْلَ الصَّفَا لَمْ يُجْزِهِ وَيُبْدَأُ بِالصَّفَا. وَاخْتَلَفَ
أَهْلُ الْعِلْمِ فِيمَنْ طَافَ بِالْبَيْتِ وَلَمْ يَطُفْ بَيْنَ
الصَّفَا وَالْمَرْوَةِ حَتَّى رَجَعَ فَقَالَ بَعْضُ أَهْلِ
الْعِلْمِ: إِنْ لَمْ يَطُفْ بَيْنَ الصَّفَا وَالْمَرْوَةِ حَتَّى
خَرَجَ مِنْ مَكَّةَ فَإِنْ ذَكَرَ وَهُوَ قَرِيبٌ مِنْهَا رَجَعَ

[1] *Al-Baqarah* 2:125.

[2] *Al-Baqarah* 2:158.

Aṣ-Ṣafā and Al-Marwah until he returns (home). Some of the people of knowledge said if he does not go between Aṣ-Ṣafā and Al-Marwah until he leaves Makkah, then he remembers and he is close to it, he returns to go between Aṣ-Ṣafā and Al-Marwah. If he does not remember until he returns to his land then it is acceptable, but he has to offer a sacrifice as expiation. This is the view of Sufyān Ath-Thawrī. Some of them said that if he does not go between Aṣ-Ṣafā and Al-Marwah, and he reaches his land, then it is not acceptable for him. This is the view of Ash-Shāfi'ī, he said: “*Tawāf* between Aṣ-Ṣafā and Al-Marwah is obligatory, *Hajj* is not possible without it.”

تخريج: وأخرجه مسلم، الحج، باب حجة النبي ﷺ، ح: ١٢١٨ من حديث سفيان بن عيينة به.

Comments:

Sa'ī begins from Aṣ-Safa. All Four *A'imma* agree on this point. If some one starts *Sa'ī* from Al-Marwah it will not be correct. *Sa'ī* is always after the *Tawāf* of the House of Allāh ﷻ. (*Al-Mughnī* v.5. p.237.)

Chapter 39. What Has Been Related About *Sa'ī* Between Aṣ-Ṣafā and Al-Marwah

863. Ibn 'Abbās narrated: “The Messenger of Allāh ﷺ only performed the *Sa'ī*^[1] of the House and of Aṣ-Ṣafā and Al-Marwah to show his strength to the idolaters.” (*Ṣaḥīḥ*)

He said: There are narrations on this topic from 'Aīshah, Ibn 'Umar, and Jābir.

فَطَافَ بَيْنَ الصَّفَا وَالْمَرْوَةِ، وَإِنْ لَمْ يَذْكُرْ حَتَّى أَتَى بِلَادَهُ أَجْزَأُهُ وَعَلَيْهِ دَمٌ. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ. وَقَالَ بَعْضُهُمْ: إِنْ تَرَكَ الطَّوْفَ بَيْنَ الصَّفَا وَالْمَرْوَةِ حَتَّى رَجَعَ إِلَى بِلَادِهِ فَإِنَّهُ لَا يُجْزِئُهُ. وَهُوَ قَوْلُ الشَّافِعِيِّ قَالَ: الطَّوْفُ بَيْنَ الصَّفَا وَالْمَرْوَةِ وَاجِبٌ لَا يَجُوزُ الْحَجُّ إِلَّا بِهِ.

(المعجم ٣٩) - بَابُ مَا جَاءَ فِي السَّعْيِ
بَيْنَ الصَّفَا وَالْمَرْوَةِ (التحفة ٣٩)

٨٦٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا [سُفْيَانُ] بْنُ عُيَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: إِنَّمَا سَعَى رَسُولُ اللَّهِ ﷺ بِالْبَيْتِ وَبَيْنَ الصَّفَا وَالْمَرْوَةِ لِيُرِيَ الْمُشْرِكِينَ قُوَّتَهُ. قَالَ: وَفِي الْبَابِ عَنْ عَائِشَةَ وَابْنِ عُمَرَ وَجَابِرٍ.

[1] Meaning, when he walked quickly.

Abū 'Eīsā said: The *Hadīth* of Ibn 'Abbās is a *Hasan Ṣaḥīḥ Hadīth*. This is what is recommended according to the people of knowledge; one performs *Sa'ī* quickly between Aṣ-Ṣafā and Al-Marwah. If one is not able, and he walks between Aṣ-Ṣafā and Al-Marwah, then they consider it acceptable.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.
وَهُوَ الَّذِي يَسْتَجِئُهُ أَهْلُ الْعِلْمِ أَنْ يَسْعَى
بَيْنَ الصَّفَا وَالْمَرْوَةِ فَإِنْ لَمْ يَسْعَ وَمَشَى بَيْنَ
الصَّفَا وَالْمَرْوَةِ رَأَوْهُ جَائِزًا.

تخريج: متفق عليه وأخرجه البخاري، الحج، باب: كيف كان بدء الرمل، ح: ١٦٠٢ ومسلم، ح: ١٢٦٦ من طريق آخر عن ابن عباس به * وفي الباب عن عائشة [البخاري، ح: ١٦٤٣ ومسلم، ح: ١٢٧٧] وابن عمر [يأتي: ٨٦٤] وجابر [مسلم، ح: ١٢١٨].

864. Kathīr bin Jumhān said: "I saw Ibn 'Umar walking at the place of *Sa'ī* so I said to him: 'Do you walk at the place of *Sa'ī* between Aṣ-Ṣafā and Al-Marwah?' He said: 'If I performed *Sa'ī*, then it is because I saw the Messenger of Allāh ﷺ performing *Sa'ī* there, and if I walked, then it is because I have seen the Messenger of Allāh ﷺ walking. And I am an old man.'" (*Hasan*)

٨٦٤ - حَدَّثَنَا يُونُسُ بْنُ عِيسَى: حَدَّثَنَا
ابْنُ فَضِيلٍ عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ كَثِيرِ
ابْنِ جُمُهَانَ قَالَ: رَأَيْتُ ابْنَ عُمَرَ يَمْشِي فِي
السَّعْيِ فَقُلْتُ لَهُ: أَتَمْشِي فِي السَّعْيِ بَيْنَ
الصَّفَا وَالْمَرْوَةِ؟ قَالَ: لَيْتَنِي سَعَيْتُ فَقَدْ رَأَيْتُ
رَسُولَ اللَّهِ ﷺ يَسْعَى عَلَيْهِ، وَلَيْتَنِي مَشَيْتُ فَقَدْ
رَأَيْتُ رَسُولَ اللَّهِ ﷺ يَمْشِي. وَأَنَا شَيْخٌ كَبِيرٌ.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ. وَقَدْ رَوَى سَعِيدُ بْنُ جُبَيْرٍ عَنِ ابْنِ
عُمَرَ نَحْوَهُ.

Abū 'Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

Sa'eed bin Jubair reported similarly from Ibn 'Umar.

تخريج: [حسن] وأخرجه أبو داود، المناسك، باب أمر الصفا والمروة، ح: ١٩٠٤ وابن ماجه، ح: ٢٩٨٨ والنسائي: ٢٤١/٥، ح: ٢٩٧٩ من حديث عطاء بن السائب به، رواه عنه سفيان الثوري وغيره، وصححه ابن خزيمة، ح: ٢٧٧٠، ٢٧٧١.

Comments:

There was a dip between Aṣ-Ṣafā and Al-Marwah. This dip no longer exists after the passage of time, but its location between the two hills is marked by green lights in the present age. Running or walking quickly between these two hills is said to be due to three reasons. 1) to show the power to disbelievers of Makkah. 2.) *Sunnah* of Ibrāhīm because he ran on this spot to run from Iblīs. 3.) To remember the run of Hajar. (*Ma'arif As-Sunan*. V. 6 p. 157.) See number 902, where the actual reason is given.

Chapter 40. What Has Been Related About Riding For *Tawāf*

865. Ibn ‘Abbās narrated: “The Prophet ﷺ performed *Tawāf* upon his mount, so when he arrived at the (Black Stone) corner, he pointed to it.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Jābir, Abū Ṭufail, and Umm Salamah.

Abū ‘Eīsā said: The *Ḥadīth* of Ibn ‘Abbās is a *Ḥasan Ṣaḥīḥ Ḥadīth*. There are those among the people of knowledge who disliked for a man to perform *Tawāf* around the House and between Aṣ-Ṣafā and Al-Marwah while riding, except with an excuse. This is the view of Ash-Shāfi‘ī.

تخریج: وأخرجه البخاري، الحج، باب من أشار إلى الركن إذا أتى عليه، ح: ١٦١٢ من حديث عبد الوهاب به * وفي الباب عن جابر [مسلم، ح: ١٢٧٣] وأبي الطفيل [مسلم، ح: ١٢٧٥] وأم سلمة [البخاري، ح: ٤٦٤٤ ومسلم، ح: ١٢٧٦].

Comments:

It is recommended to perform *Tawāf* on foot but if there is a physical problem or any other genuine cause it can be performed while riding.

Chapter 41. What Has Been Related About The Virtues Of *Tawāf*

866. Ibn ‘Abbās narrated: “Whoever performs *Tawāf* around the House fifty times, he will be as free of his sins as the day his mother bore him.” (*Da‘īf*)

He said: There are narrations on this topic from Anas and Ibn ‘Umar.

Abū ‘Eīsā said: The *Ḥadīth* of Ibn ‘Abbās is a *Gharīb Ḥadīth*. I asked

(المعجم ٤٠) - بَابُ مَا جَاءَ فِي

الطَّوَّافِ رَاكِبًا (التحفة ٤٠)

٨٦٥ - حَدَّثَنَا بِشْرُ بْنُ هِلَالٍ الصَّوَّافُ [البَصْرِيُّ]: حَدَّثَنَا عَبْدُ الْوَارِثِ [بْنُ سَعِيدٍ] وَعَبْدُ الْوَهَّابِ الثَّقَفِيُّ عَنْ خَالِدِ الْحَدَّاءِ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ قَالَ: طَافَ النَّبِيُّ ﷺ عَلَى رَاحِلَتِهِ فَإِذَا انْتَهَى إِلَى الرُّكْنِ أَشَارَ إِلَيْهِ. [قَالَ:] وَفِي الْبَابِ عَنْ جَابِرٍ وَأَبِي الطُّفَيْلِ وَأُمِّ سَلَمَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ كَرِهَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ أَنْ يَطُوفَ الرَّجُلُ بِالْبَيْتِ وَبَيْنَ الصَّفَا وَالْمَرْوَةِ رَاكِبًا إِلَّا مِنْ عُذْرٍ وَهُوَ قَوْلُ الشَّافِعِيِّ.

(المعجم ٤١) - بَابُ مَا جَاءَ فِي فَضْلِ

الطَّوَّافِ (التحفة ٤١)

٨٦٦ - حَدَّثَنَا سُفْيَانُ بْنُ وَكِيعٍ: حَدَّثَنَا يَحْيَى بْنُ الْيَمَانِ عَنْ شَرِيكٍ، عَنْ أَبِي إِسْحَاقَ، عَنْ عَبْدِ اللَّهِ بْنِ سَعِيدٍ بْنِ جُبَيْرٍ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ طَافَ بِالْبَيْتِ خَمْسِينَ مَرَّةً خَرَجَ مِنْ ذُنُوبِهِ كَيَوْمٍ وَلَدَتْهُ أُمُّهُ».

قَالَ: وَفِي الْبَابِ عَنْ أَنَسٍ وَابْنِ عُمرَ.

Muhammad about this *Hadīth* and he said: "This has only been reported from Ibn 'Abbās as his own saying."

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ غَرِيبٌ. سَأَلْتُ مُحَمَّدًا عَنْ هَذَا الْحَدِيثِ فَقَالَ: إِنَّمَا يُرَوَّى هَذَا عَنْ ابْنِ عَبَّاسٍ قَوْلُهُ.

تخریج: [إسناده ضعيف] وأخرجه ابن عدي: ١٣٣٨/٤ من حديث شريك القاضي به وقع في المطبوع تصحيح وهو في العلل المتناهية وفي الأحاديث الواهية لابن الجوزي: ٨٣/٢، ح: ٩٤٢ من طريق الترمذي به * شريك وشيخه عنعنا * وفي الباب عن أنس [ابن ماجه، ح: ٣١١٨] وابن عمر [يأتي: ٩٥٩].

Comments:

Performing *Tawāf* of the House of Allāh ﷻ and asking His blessings and praying for forgiveness surely frees from all sin, is a means of reward and forgiveness (see no. 959). It is suggested to the people going to Makkah from abroad to perform as much *Tawāf* as they can because performing *Tawāf* in the House of Allāh ﷻ is the best of worships, and even better than voluntary prayers.

867. Ayyūb As-Sakhtiyānī said: "We considered 'Abdullāh bin Sa'eed bin Jubair^[1] to be better than his father, and he had a brother named 'Abdul-Mālik bin Sa'eed bin Jubair who also reported from him." (*Da'if*)

٨٦٧ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ أَيُّوبَ [السَّخْتِيَانِي] قَالَ: كَانُوا يُعَدُّونَ عَبْدَ اللَّهِ بْنَ سَعِيدِ بْنِ جُبَيْرٍ أَفْضَلَ مِنْ أَبِيهِ، وَلَهُ أَخٌ يُقَالُ لَهُ: عَبْدُ الْمَلِكِ ابْنُ سَعِيدِ بْنِ جُبَيْرٍ، وَقَدْ رَوَى عَنْهُ أَيْضًا. **تخریج:** [إسناده ضعيف] * سفیان بن عیینة عنعن.

Chapter 42. What Has Been Related About *Salāt* After 'Aṣr (And After *Ṣubḥ*) Regarding One Who Performed *Tawāf*

(المعجم ٤٢) - بَابُ مَا جَاءَ فِي الصَّلَاةِ بَعْدَ الْعَصْرِ [وَبَعْدَ الصُّبْحِ] لِمَنْ يَطُوفُ (التحفة ٤٢)

868. Jubair bin Muṭ'im narrated that the Prophet ﷺ said: "O Banū 'Abd Manāf! Do not prevent anyone from performing *Tawāf* around this House, and *Ṣalāt*, whichever hour it is of the night or day." (*Ṣaḥīḥ*)

٨٦٨ - حَدَّثَنَا أَبُو عَمَارٍ وَعَلِيُّ بْنُ خَشْرَمٍ قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ أَبِي الزُّبَيْرِ، عَنْ عَبْدِ اللَّهِ بْنِ بَابَاهُ، عَنْ جُبَيْرِ بْنِ مُطْعِمٍ: أَنَّ النَّبِيَّ ﷺ قَالَ: «يَا بَنِي عَبْدِ مَنَافٍ، لَا

[1] He narrated the previous narration from his father, from Ibn 'Abbās.

There are narrations on this topic from Ibn ‘Abbās and Abū Dharr.

Abū ‘Eīsā said: The *Ḥadīth* of Jubair bin Muṭ‘im is a *Ḥasan Ṣaḥīḥ Ḥadīth*. ‘Abdullāh bin Abī Najīḥ has reported it from ‘Abdullāh bin Bābāh as well.

The people of knowledge have differed over *Ṣalāt* after ‘*‘Aṣr* and after *Ṣubḥ* in Makkah. Some of them said that there is no harm in *Ṣalāt* and *Tawāf* after ‘*‘Aṣr* and after *Ṣubḥ*. This is the saying of *Ash-Shāfi‘ī*, *Aḥmad* and *Ishāq*. They argue using (this) the *Ḥadīth* of the Prophet ﷺ. Some of them said that when one performs *Tawāf* after ‘*‘Aṣr*, he does not perform *Ṣalāt* until the sun has set. Similarly, if he performs *Tawāf* after *Ṣubḥ*, then he is also not to perform *Ṣalāt* until the sun has risen. They argue using the *Ḥadīth* of ‘Umar; that he performed *Tawāf* after the *Ṣubḥ* prayer and he did not perform *Ṣalāt* (after the *Tawāf*). Then he proceeded from Makkah until he halted at *Dhu-Ṭuwa* and he performed *Ṣalāt* after the sun had risen. This is the saying of *Sufyān Ath-Thawrī* and *Mālik bin Anas*.

تَمَنَعُوا أَحَدًا طَافَ بِهَذَا الْبَيْتِ وَصَلَّى آيَةً سَاعَةً شَاءَ مِنْ لَيْلٍ أَوْ نَهَارٍ.

وَفِي الْبَابِ عَنِ ابْنِ عَبَّاسٍ وَأَبِي ذَرٍّ.

قَالَ أَبُو عِيسَى: حَدِيثُ جُبَيْرِ بْنِ مُطْعِمٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رَوَاهُ عَبْدُ اللَّهِ بْنُ أَبِي نَجِيحٍ عَنْ عَبْدِ اللَّهِ بْنِ بَابَاهُ أَيْضًا. وَقَدْ اخْتَلَفَ أَهْلُ الْعِلْمِ فِي الصَّلَاةِ بَعْدَ الْعَصْرِ وَبَعْدَ الصُّبْحِ بِمَكَّةَ، فَقَالَ بَعْضُهُمْ: لَا بَأْسَ فِي الصَّلَاةِ وَالطَّوَافِ بَعْدَ الْعَصْرِ وَبَعْدَ الصُّبْحِ، وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ، وَاحْتَجُّوا بِحَدِيثِ النَّبِيِّ ﷺ. [هَذَا] وَقَالَ بَعْضُهُمْ: إِذَا طَافَ بَعْدَ الْعَصْرِ لَمْ يُصَلِّ حَتَّى تَغْرُبَ الشَّمْسُ، وَكَذَلِكَ إِنْ طَافَ بَعْدَ صَلَاةِ الصُّبْحِ أَيْضًا لَمْ يُصَلِّ حَتَّى تَطْلُعَ الشَّمْسُ. وَاحْتَجُّوا بِحَدِيثِ عُمَرَ أَنَّهُ طَافَ بَعْدَ صَلَاةِ الصُّبْحِ فَلَمْ يُصَلِّ. وَخَرَجَ مِنْ مَكَّةَ حَتَّى نَزَلَ بِذِي طَوًى فَصَلَّى بَعْدَ مَا طَلَعَتِ الشَّمْسُ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَمَالِكِ بْنِ أَنَسٍ.

تخريج: [إسناده صحيح] وأخرجه أبو داود، المناسك، باب الطواف بعد العصر، ح: ١٨٩٤ وابن ماجه، ح: ١٢٥٤ والنسائي: ٢٢٣/٥، ح: ٢٩٢٧ من حديث سفیان بن عیینة به، وأبو الزبیر صرح بالسماع عند النسائي، ح: ٥٨٦ والحميدي، ح: ٥٦١ (بتحقيقي) وغيرهما، وصححه ابن خزيمة، ح: ٢٧٤٧ وابن حبان، ح: ٦٢٦، ٦٢٧ والحاكم: ٤٤٨/١ والذهبي وغيرهم * وفي الباب عن ابن عباس [الطحاوي في معاني الآثار: ١٨٦/٢] وأبي ذر [أحمد: ١٦٥/٥ وابن خزيمة، ح: ٢٧٤٨].

Comments:

This *Ṣaḥīḥ* narration provides proof that one can pray in the House of Allāh ﷻ during the prohibited times.

Chapter 43. What Has Been Related About What Is to Be Recited During the Two *Rak'ah* (After) *Tawāf*

(المعجم ٤٣) - بَابُ مَا جَاءَ مَا يُقْرَأُ فِي رَكْعَتَيِ الطَّوَافِ (التحفة ٤٣)

869. Jābir bin ‘Abdullāh narrated: “During the two *Rak'ah* of *Tawāf*, the Messenger of Allāh ﷺ recited the two *Sūrat* of *Ikhlās*, “Say: O you disbelievers!” and: “Say: He is Allāh, (the) One.” (*Ṣaḥīḥ*)

٨٦٩ - حَدَّثَنَا أَبُو مُضْعَبٍ [الْمَدَنِيُّ] قِرَاءَةً، عَنْ عَبْدِ الْعَزِيزِ بْنِ عِمْرَانَ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ أَنَّ رَسُولَ اللَّهِ ﷺ قَرَأَ فِي رَكْعَتَيِ الطَّوَافِ بِسُورَتَيِ الْإِخْلَاصِ ﴿قُلْ يَتَّيِبَهَا الْكَافِرُونَ﴾ وَ ﴿قُلْ هُوَ اللَّهُ أَحَدٌ﴾.

تخریج: [صحيح] وأصله عند مسلم، الحج، باب حجة النبي ﷺ، ح: ١٢١٨ والنسائي: ٥/٢٣٦، ح: ٢٩٦٦ وغيرهما، عبدالعزيز تابعه حاتم بن إسماعيل.

870. Ja‘far bin Muḥammad narrated from his father, that he considered it recommended for the two *Rak'ah* of *Tawāf* to recite: Say: “O you disbelievers!” and: Say: “He is Allāh, (the) One.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This is more correct than the (previous) narration of ‘Abdul-‘Azīz bin ‘Imrān. Ja‘far bin Muḥammad’s narration about this from his father is more correct than Ja‘far bin Muḥammad, from his father, from Jābir, from the Prophet ﷺ. ‘Abdul-‘Azīz bin ‘Imrān is weak in *Ḥadīth*.

٨٧٠ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا وَكِيعٌ عَنْ سُفْيَانَ، عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ أَنَّهُ كَانَ يَسْتَحِبُّ أَنْ يُقْرَأَ فِي رَكْعَتَيِ الطَّوَافِ بـ ﴿قُلْ يَتَّيِبَهَا الْكَافِرُونَ﴾ وَ ﴿قُلْ هُوَ اللَّهُ أَحَدٌ﴾.

قَالَ أَبُو عِيسَى: وَهَذَا أَصَحُّ مِنْ حَدِيثِ عَبْدِ الْعَزِيزِ بْنِ عِمْرَانَ. وَحَدِيثُ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ فِي هَذَا أَصَحُّ مِنْ حَدِيثِ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ جَابِرِ بْنِ النَّبِيِّ ﷺ. وَعَبْدُ الْعَزِيزِ بْنُ عِمْرَانَ ضَعِيفٌ فِي الْحَدِيثِ.

تخریج: [صحيح] انظر الحديث السابق.

Comments:

Sūrat Al-Kāfirūn has been mentioned as *Ikhlās* in this narration as it deals with the sincerity in worship of Allāh ﷻ Alone; and *Sūrat Ikhlās* is sincerity manifest.

Chapter 44. What Has Been Related About It Being Disliked to Perform *Tawāf* While Naked

871. Zaid bin Uthai' said: I asked 'Alī: "What is it that you were sent with?" He said: "With four things: None will be admitted into Paradise except for the soul that is a Muslim. None is to perform *Tawāf* around the House while naked. The Muslims and the idolaters will not be gathering (in Makkah) together after this year. And for whomever there is a covenant between him and the Prophet ﷺ, then his covenant is (valid) until its term, and for that in which there was no term, then it shall be four months." (*Ṣaḥīḥ*)

(He said:) There is something on this topic from Abū Hurairah.

Abū 'Eisā said: The *Ḥadīth* of 'Alī is a *Ḥasan Ḥadīth*.

تخریج: [صحيح] وأخرجه أحمد: ٧٩/١ عن سفيان بن عيينة به وصرح بالسماع عند الحميدي، ح: ٤٨ وصححه الحاكم: ١٧٨/٤ والذهبي ورواه شعبة عن أبي إسحاق به وله شواهد كثيرة عند النسائي، ح: ٢٩٦١ والحاكم: ١٧٩/٤ وغيرهما.

Comments:

In the 9th year of *Hijrah* the Prophet ﷺ sent Abū Bakr to Makkah as the Amīr of *Hajj*. Later on, he sent 'Alī bin Abī Tālib to recite, announcing to the people, from the beginning Verses of *Sūrat At-Tawbah*. It was customary in that time that to abrogate a treaty, the one who signed it or one of his close relatives should announce the cancellation of the treaty.

872. (Another chain) and they said: "Zaid bin Yuthai'" and this is more correct. (*Ṣaḥīḥ*)

Shu'bah was mistaken about this, he said: "Zaid bin (Uthail)."

(المعجم ٤٤) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ الطَّوَافِ عُرْيَانًا (التحفة ٤٤)

٨٧١ - حَدَّثَنَا عَلِيُّ بْنُ خَشْرَمٍ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ أَبِي إِسْحَاقَ، عَنْ زَيْدِ ابْنِ أُنَيْعٍ قَالَ: سَأَلْتُ عَلِيًّا بِأَيِّ شَيْءٍ بُعِثْتُ؟ قَالَ: بِأَرْبَعٍ: لَا يَدْخُلُ الْجَنَّةَ إِلَّا نَفْسٌ مُسْلِمَةٌ، وَلَا يَطُوفُ بِالْبَيْتِ عُرْيَانٌ، وَلَا يَجْتَمِعُ الْمُسْلِمُونَ وَالْمُشْرِكُونَ بَعْدَ عَامِهِمْ هَذَا، وَمَنْ كَانَ بَيْنَهُ وَبَيْنَ النَّبِيِّ ﷺ عَهْدٌ فَعَهْدُهُ إِلَى مُدَّتِهِ، وَمَنْ لَا مُدَّةَ لَهُ فَأَرْبَعَةُ أَشْهُرٍ.

[قَالَ:] وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ عَلِيٍّ حَدِيثٌ حَسَنٌ.

٨٧٢ - حَدَّثَنَا ابْنُ أَبِي عَمَرَ وَنَصْرُ بْنُ عَلِيٍّ قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ أَبِي إِسْحَاقَ نَحْوَهُ وَقَالَا: زَيْدُ بْنُ يُنَيْعٍ وَهَذَا أَصَحُّ.

قَالَ أَبُو عِيسَى: وَشُعْبَةُ وَهَمَ فِيهِ فَقَالَ زَيْدُ
ابْنُ [أُنَيْلٍ].

تخريج: [صحيح] انظر الحديث السابق.

Chapter 45. What Has Been Related About Entering The Ka'bah

(المعجم ٤٥) - بَابُ مَا جَاءَ فِي دُخُولِ
الْكَعْبَةِ (التحفة ٤٥)

873. 'Āishah narrated: "The Prophet ﷺ left me while he had a joyous look of contentment and he returned to me grieving. So I asked him about that and he said: 'I entered the Ka'bah, and I wished that I had not done it. I fear that my *Ummah* will follow me (in that) after me.'" (*Da'if*)

Abū 'Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

٨٧٣ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا وَكِيعٌ
عَنْ إِسْمَاعِيلَ بْنِ عَبْدِ الْمَلِكِ، عَنِ ابْنِ أَبِي
مُلَيْكَةَ، عَنْ عَائِشَةَ قَالَتْ: خَرَجَ النَّبِيُّ ﷺ مِنْ
عِنْدِي وَهُوَ قَرِيرُ الْعَيْنِ طَيِّبُ النَّفْسِ فَرَجَعَ
إِلَيَّ وَهُوَ حَزِينٌ، فَقُلْتُ لَهُ، فَقَالَ: «إِنِّي
دَخَلْتُ الْكَعْبَةَ وَوَدِدْتُ أَنِّي لَمْ أَكُنْ فَعَلْتُ،
إِنِّي أَخَافُ أَنْ أَكُونَ أَتَعَبْتُ أُمَّتِي مِنْ بَعْدِي».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، المناسك، باب: في دخول الكعبة، ح: ٢٠٢٩
من حديث إسماعيل بن عبد الملك وابن ماجه، ح: ٣٠٦٤ من حديث وكيع به، إسماعيل ضعيف
ضعفه الجمهور.

Comments:

He entered the Ka'bah at night for which he felt sorry and longed that he might not have entered. He thought it might be inferred from his action that entering the Ka'bah at night is part of *Hajj*. In compliance to his desire of not to enter the Ka'bah at night, most of the scholars are of the opinion that entering in the Ka'bah is not a part of *Hajj* but some say it is a part of *Hajj* which is not correct. If there is chance to enter it is good to pray inside the Ka'bah. (*Tuhfat Al-Aḥwadhī* v. 2. p. 588.)

Chapter 46. What Has Been Related About *Ṣalāt* In The Ka'bah

(المعجم ٤٦) - بَابُ مَا جَاءَ فِي الصَّلَاةِ
فِي الْكَعْبَةِ (التحفة ٤٦)

874. Ibn 'Umar narrated from

٨٧٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ

Bilāl: “The Prophet ﷺ performed *Ṣalāt* in the interior of the Ka‘bah.” And Ibn ‘Abbās said: “He did not perform *Ṣalāt* in it, but he said the *Takbīr*.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Usāmah bin Zaid, Al-Faḍl bin ‘Abbās, ‘Uthmān bin Ṭalḥah, and Shaibah bin ‘Uthmān.

Abū ‘Eīsā said: The *Ḥadīth* of Bilāl is a *Ḥasan Ṣaḥīḥ Ḥadīth*, and it is acted upon according to most of the people of knowledge, they did not see any harm in performing *Ṣalāt* inside the Ka‘bah. Mālik bin Anas said: “There is no harm in voluntary *Ṣalāt* inside the Ka‘bah, and it is disliked to perform the obligatory *Ṣalāt* inside the Ka‘bah.” Ash-Shāfi‘ī said: “There is no harm in performing the obligatory or the voluntary *Ṣalāt* inside the Ka‘bah because the rules for the voluntary and obligatory are the same in the case of purification and the *Qiblah*.”

عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ ابْنِ عُمَرَ، عَنْ بِلَالٍ: أَنَّ النَّبِيَّ ﷺ صَلَّى فِي حَوْفِ الْكَعْبَةِ. قَالَ ابْنُ عَبَّاسٍ: لَمْ يُصَلِّ وَلَكِنَّهُ كَبَّرَ.

[قَالَ:] وَفِي الْبَابِ عَنْ أُسَامَةَ بْنِ زَيْدٍ وَالْفَضْلِ بْنِ عَبَّاسٍ وَعُثْمَانَ بْنِ طَلْحَةَ وَشَيْبَةَ ابْنِ عُثْمَانَ.

قَالَ أَبُو عِيسَى: حَدِيثُ بِلَالٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَيْهِ عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ، لَا يَرَوْنَ بِالصَّلَاةِ فِي الْكَعْبَةِ بَأْسًا. وَقَالَ مَالِكُ بْنُ أَنَسٍ: لَا بَأْسَ بِالصَّلَاةِ النَّافِلَةِ فِي الْكَعْبَةِ وَكَرِهَ أَنْ تُصَلَّى الْمَكْتُوبَةُ فِي الْكَعْبَةِ. وَقَالَ الشَّافِعِيُّ: لَا بَأْسَ أَنْ تُصَلَّى الْمَكْتُوبَةُ وَالتَّطَوُّعُ فِي الْكَعْبَةِ لِأَنَّ حُكْمَ النَّافِلَةِ وَالْمَكْتُوبَةِ فِي الطَّهَارَةِ وَالْقِبْلَةِ سَوَاءٌ.

تخريج: [إسناده صحيح] وأخرجه النسائي: ٢١٩/٥، ح: ٢٩١٦ به مختصراً (مناسك الحج، باب التكبير في نواحي الكعبة) من حديث ابن عباس فقط ورواه ابن خزيمة، ح: ٣٠٠٨ وأحمد: ١٥/٦، ح: ٢٤٤١٦ من حديث حماد بن زيد عن عمرو بن دينار عن عبدالله بن عمر عن بلال به * وفي الباب عن أسامة بن زيد [مسلم، ح: ١٣٣٠] ولم يصل، وجواز الصلاة عند أحمد: ٢٠١/٥ [والفضل بن عباس [أحمد: ٢١٠-٢١٢، ٢١٤] ولم يصل] وعثمان بن طلحة [أحمد: ٤١٠/٣] شيبه بن عثمان [الطبراني في الكبير: ٣٥٧/٧، ح: ٧١٩٠].

Comments:

According to this narration of Bilāl, the Prophet ﷺ performed *Ṣalāt* in the interior of Ka‘bah and according to Usāmah bin Zaid he did not perform *Ṣalāt* in it, he only said the *Takbīr*. Both of them Bilāl and Usāmah had entered the Ka‘bah with the Prophet ﷺ but people prefer the narration of Bilāl because his narration implies affirmation.

Chapter 47. What Has Been Related About Demolishing The Ka'bah

875. Al-Aswad bin Yazid narrated that Ibn Az-Zubair said to him: "Narrate to me from what the Mother of the Believers used to (secretly) inform you about" – meaning 'Āishah – so he said: "She narrated to me that the Messenger of Allāh ﷺ said: 'Had your people not been still close to the pre-Islamic period of ignorance, then I would demolish the Ka'bah and rebuild it with two doors.'" He said:^[1] "So when Ibn Az-Zubair came to power he demolished it and rebuilt it with two doors." (*Ṣaḥīḥ*)

تخريج: [إسناده صحيح] وأخرجه النسائي: ٢١٥/٥، ح: ٢٩٠٥ (مناسك الحج، باب بناء الكعبة) من حديث شعبة به وأخرجه البخاري، ح: ١٥٨٣، ١٥٨٤ ومسلم، ح: ٤٠٥/١٣٣٣ من حديث الأسود به.

Comments:

Imām Al-Bukhārī and others have deduced from this narration that if there is a possibility of the eruption of a disturbance or disagreement among the people by doing some recommended deed, then it should not be done, in order to save the people from the harm.

Chapter 48. What Has Been Related About *Ṣalāt* In The *Hijr*

876. 'Āishah narrated: "I wanted to enter the House to perform *Ṣalāt* in it, so the Messenger of Allāh ﷺ took me by the hand and put me in the *Hijr*, and he said: 'Perform *Ṣalāt* in the *Hijr* if you want to enter the

(المعجم ٤٧) - بَابُ مَا جَاءَ فِي كَسْرِ
الْكَعْبَةِ (التحفة ٤٧)

٨٧٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عِيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ عَنْ شُعْبَةَ، عَنْ أَبِي إِسْحَاقَ، عَنْ الْأَسْوَدِ ابْنِ يَزِيدَ: أَنَّ ابْنَ الزُّبَيْرِ قَالَ لَهُ: حَدَّثَنِي بِمَا كَانَتْ تُقْضِي إِلَيْكَ أُمُّ الْمُؤْمِنِينَ - يَعْنِي عَائِشَةَ - فَقَالَ: حَدَّثَنِي أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ لَهَا: «لَوْلَا أَنَّ قَوْمَكَ حَدِيثٌ بِعَهْدِ الْبَجَاهِلِيَّةِ لَهَدَمْتُ الْكَعْبَةَ وَجَعَلْتُ لَهَا بَابَيْنِ». قَالَ: فَلَمَّا مَلَكَ ابْنُ الزُّبَيْرِ هَدَمَهَا وَجَعَلَ لَهَا بَابَيْنِ.
قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

(المعجم ٤٨) - بَابُ مَا جَاءَ فِي الصَّلَاةِ
فِي الْحِجْرِ (التحفة ٤٨)

٨٧٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ عُلْقَمَةَ بْنِ أَبِي عُلْقَمَةَ، [عَنْ أُمِّهِ،] عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كُنْتُ أُحِبُّ أَنْ أَدْخُلَ الْبَيْتَ فَأُصَلِّيَ فِيهِ، فَأَخَذَ رَسُولُ اللَّهِ

^[1] That is either Al-Aswad, or Abū Ishāq, who narrated it from him here, and with Al-Bukhārī no. 126.

House. For indeed it is part of the House, but your people considered it insignificant when they built the Ka'bah, so they put it outside of the House.” (Ṣaḥīḥ)

Abū ‘Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*, and ‘Alqamah bin Abī ‘Alqamah is ‘Alqamah bin Bilāl.

ﷺ بِيَدِي فَأَدْخَلَنِي الْحَجَرَ وَقَالَ: «صَلِّي فِي الْحَجَرِ إِنْ أَرَدْتَ دُخُولَ الْبَيْتِ، فَإِنَّمَا هُوَ قِطْعَةٌ مِنَ الْبَيْتِ وَلَكِنَّ قَوْمَكَ اسْتَفْصَرُوهُ حِينَ بَنَوْا الْكَعْبَةَ فَأَخْرَجُوهُ مِنَ الْبَيْتِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَعَلَقَمَةُ بْنُ أَبِي عَلَقَمَةَ هُوَ عَلَقَمَةُ بْنُ بِلَالٍ.

تخريج: [إسناده صحيح] وأخرجه أبو داود، المناسك، باب الصلاة في الحجر، ح: ٢٠٢٨ والنسائي: ٢١٩/٥، ح: ٢٩١٥ من حديث عبدالعزيز بن محمد الدراوردي به وصححه ابن خزيمة، ح: ٣٠١٨.

Comments:

The place adjacent to the northern wall with a short curved wall of the Ka'bah is called “*Hijr*” and performing voluntary *Ṣalāt* at this place is equal to performing *Ṣalāt* in interior of Ka'bah. This part of Ka'bah remained outside the building of Ka'bah by Allāh's will to save the people from the difficult situation of going inside and performing prayer there.

Chapter 49. What Has Been Related About The Virtues Of The Black Stone, Its Corner, And The *Maqām*

(المعجم ٤٩) - بَابُ مَا جَاءَ فِي فَضْلِ الْحَجَرِ الْأَسْوَدِ وَالرُّكْنِ وَالْمَقَامِ (التحفة ٤٩)

877. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ said: “The Black Stone descended from Paradise, and it was more white than milk, then it was blacked by the sins of the children of Ādam.” (*Hasan*)

(He said:) There are narrations on this topic from ‘Abdullāh bin ‘Amr and Abū Hurairah.

Abū ‘Eīsā said: The *Hadīth* of Ibn ‘Abbās is a *Hasan Ṣaḥīḥ Hadīth*.

٨٧٧ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا جَرِيرٌ عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «نَزَلَ الْحَجَرُ الْأَسْوَدُ مِنَ الْجَنَّةِ وَهُوَ أَشَدُّ بَيَاضًا مِنَ اللَّبَنِ فَسَوَّدَتْهُ خَطَايَا بَنِي آدَمَ».

[قَالَ:] وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو وَأَبِي هُرَيْرَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: [حسن] وأخرجه النسائي: ٢٢٦/٥، ح: ٢٩٣٨ (مناسك الحج، باب ذكر الحجر الأسود) من حديث عطاء بن السائب به وصححه ابن خزيمة، ح: ٢٧٣٣ وللحديث شواهد كثيرة في الترغيب والترهيب: ١٩٤/٢، ١٩٥ وغيره * وفي الباب عن عبدالله بن عمرو [يأتي: ٨٧٨] وأبي هريرة [ابن ماجه، ح: ٢٩٥٧].

Comments:

This narration is a proof that when this Black Stone descended from Paradise it was white and became black by absorbing the sins of the children of Ādam who touch it.

878. ‘Abdullāh bin ‘Amr narrated that he heard the Messenger of Allāh ﷺ saying: “Indeed the Corner^[1] and the *Maqām* are two corundums^[2] from the corundums of Paradise. Allāh removed their lights, and if their lights had not been removed then they would illuminate what is between the east and the west.” (*Ḍa‘īf*)

Abū ‘Eīsā said: This has been reported from ‘Abdullāh bin ‘Amr in *Mawqūf* form, as his own saying.

There is also a narration from Anas, and it is a *Gharīb Ḥadīth*.

٨٧٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ عَنْ رَجَاءِ أَبِي يَحْيَى قَالَ: سَمِعْتُ مُسَافِعًا الْحَاجِبَ يَقُولُ: سَمِعْتُ عَبْدَ اللَّهِ بْنَ عَمْرٍو يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّ الرُّكْنَ وَالْمَقَامَ يَأْقُوتَانِ مِنْ يَأْقُوتِ الْجَنَّةِ طَمَسَ اللَّهُ نُورَهُمَا وَلَوْ لَمْ يَطْمَسْ نُورُهُمَا لَأَضَاءَتَا مَا بَيْنَ الْمَشْرِقِ وَالْمَغْرِبِ».

قَالَ أَبُو عِيسَى: هَذَا يُرْوَى عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو مَوْقُوفًا قَوْلُهُ.

وفيه عن أنسٍ أيضًا وهو حديثٌ غريبٌ.

تخريج: [إسناده ضعيف] وأخرجه أحمد: ٢١٣/٢ من حديث رجاء أبي يحيى به وهو ضعيف وصححه ابن حبان، ح: ١٠٠٤ وأعله ابن خزيمة، ح: ٢٧٣٢ وذكر له طريقًا آخر، ح: ٢٧٣١ وأعله، وله شاهد ضعيف عند الحاكم: ٤٥٦/١ * وفي الباب عن أنس [الحاكم: ١/ ٤٥٦ وسنده ضعيف جدًا].

Comments:

“Corner” means the Black Stone, and “*Maqām*” means that stone on which Ibrāhīm stood and constructed the Ka’bah. These two stones are actually corundum of Paradise and their characteristics have been removed and taken away to prevent the people of earth to see the things of Paradise and to test their belief in the unseen.

Chapter 50. What Has Been Related About Leaving For Minā And Staying There

(المعجم ٥٠) - بَابُ مَا جَاءَ فِي الْخُرُوجِ إِلَى مِنَى وَالْمَقَامِ بِهَا (التحفة ٥٠)

879. ‘Aṭā’ reported that Ibn ‘Abbās narrated: “The Messenger of Allāh

٨٧٩ - حَدَّثَنَا أَبُو سَعِيدٍ الْأَشْجِيُّ: حَدَّثَنَا

[1] That is, the corner where the Black Stone is located. *Tuhfat Al-Aḥwadhī*. See also *Fath Al-Bārī* no. 1597.

[2] Corundum: *Yāqūt*. It is often translated as “ruby.” In the Arabic language it is used for a ruby, sapphire, topaz, or any of the clear gems from the corundum family, but it is often qualified by a description of color in those cases, whereas in this case it is not.

ﷺ led us in *Ṣalāt* at Minā for *Zuhr*, '*ʿAṣr*, *Maghrib*, '*Ishā*', and *Fajr*, then he left in the morning to '*Arafāt*.' (*Ṣaḥīḥ*)

Abū 'Eīsā said; Ismā'il bin Muslim had been criticized (for his weak memory.) (*Ṣaḥīḥ*)

عَبْدُ اللَّهِ بْنُ الْأَجْلَحِ عَنْ إِسْمَاعِيلَ بْنِ مُسْلِمٍ، عَنْ عَطَاءٍ عَنِ ابْنِ عَبَّاسٍ قَالَ: صَلَّى بِنَا رَسُولُ اللَّهِ ﷺ بَيْنَ الظُّهْرِ وَالْعَصْرِ وَالْمَغْرِبِ وَالْعِشَاءِ وَالْفَجْرِ ثُمَّ غَدَا إِلَى عَرَفَاتٍ. قَالَ أَبُو عِيسَى: وَإِسْمَاعِيلُ بْنُ مُسْلِمٍ قَدْ تَكَلَّمُوا فِيهِ [مِنْ قَبْلِ حِفْظِهِ].

تخريج: [صحيح] وأخرجه ابن ماجه، المناسك، باب الخروج إلى منى، ح: ٣٠٠٤ من حديث إسماعيل بن مسلم به وله شواهد عند ابن ماجه، ح: ٣٠٠٥ وغيره.

880. Al-Ḥakam reported from Miqsam, that Ibn 'Abbās narrated, that the Prophet ﷺ prayed *Zuhr* and *Fajr* in Minā, then he left in the morning to '*Arafāt*. (*Ṣaḥīḥ*)

He said: There are narrations on this topic from 'Abdullāh bin Az-Zubair and Anas.

Abū 'Eīsā said: As for the *Ḥadīth* of Miqsam from Ibn 'Abbās; 'Alī bin Al-Madīnī said: "Yaḥya said: 'Shu'bah said: "Al-Ḥakam did not hear but five things from Miqsam." And he listed them, and this *Ḥadīth* was not among those listed by Shu'bah."

٨٨٠ - حَدَّثَنَا أَبُو سَعِيدٍ الْأَشْجِيُّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْأَجْلَحِ عَنِ الْأَعْمَشِ، عَنِ الْحَكَمِ، عَنْ مِقْسَمٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ صَلَّى بَيْنَ الظُّهْرِ وَالْفَجْرِ ثُمَّ غَدَا إِلَى عَرَفَاتٍ.

قَالَ: وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ وَأَنَسٍ. قَالَ أَبُو عِيسَى: حَدِيثُ مِقْسَمٍ عَنْ ابْنِ عَبَّاسٍ، قَالَ عَلِيُّ بْنُ الْمَدِينِيِّ: قَالَ يَحْيَى: قَالَ شُعْبَةُ: لَمْ يَسْمَعْ الْحَكَمُ مِنْ مِقْسَمٍ إِلَّا خَمْسَةَ أَشْيَاءَ وَعَدَّهَا وَلَيْسَ هَذَا الْحَدِيثُ فِيهَا عَدَّ شُعْبَةُ.

تخريج: [صحيح] وأخرجه أبو داود، المناسك، باب الخروج إلى منى، ح: ١٩١١ من حديث الأعمش به وصححه ابن خزيمة، ح: ٢٧٩٩ والحاكم: ٤٦١/١ على شرط البخاري ووافقه الذهبي * وفي الباب عن عبدالله بن الزبير [ابن خزيمة، ح: ٢٧٩٨، ٢٨٠٠ والحاكم: ٤٦١/١] وأنس [يأتي: ٩٦٤].

Comments:

On the 8th of *Dhul-Hijjah*. *Zuhr*, prayer is performed at Minā, and it is must to stay there till the sunrise of the 9th of *Dhul-Hijjah*. After sunrise

on the 9th it is time to proceed to 'Arafāt. 'Arafāt is a place 8 Kilometers from Minā and fifteen Kilometers from Makkah from the end of the border of the *Haram*.

Chapter 51. What Has Been Related About: Minā Is A Resting Place For Whoever Arrives

881. 'Aishah said: "We said: 'O Messenger of Allāh ﷺ! Shall we build a structure to shade you at Minā?' He said: 'No, Minā is a resting place for whoever arrives.'" (*Hasan*)

Abū 'Eisā said: This *Hadīth* is *Hasan* (*Ṣaḥīḥ*).

(المعجم ٥١) - بَابُ مَا جَاءَ أَنَّ مِنَى مُنَاحٌ مِّنْ سَبَقٍ (التحفة ٥١)

٨٨١ - حَدَّثَنَا يُونُسُ بْنُ عِيسَى وَمُحَمَّدُ ابْنُ أَبِي قَالَا: حَدَّثَنَا وَكِيعٌ عَنْ إِسْرَائِيلَ، عَنْ إِبْرَاهِيمَ بْنِ مُهَاجِرٍ، عَنْ يُونُسَ بْنِ مَاهَكٍ، عَنْ أُمِّهِ مُسَيِّكَةَ، عَنْ عَائِشَةَ قَالَتْ: قُلْنَا: يَا رَسُولَ اللَّهِ أَلَا نَبْنِي لَكَ بِنَاءً يُظِلُّكَ بِمِنَى قَالَ: «لَا، مِنَى مُنَاحٌ مِّنْ سَبَقٍ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ [صَحِيحٌ].

تخريج: [إسناده حسن] وأخرجه ابن ماجه، المناسك، باب النزول بمنى، ح: ٣٠٠٦ من حديث وكيع به وصححه ابن خزيمة، ح: ٢٨٩١ والحاكم على شرط مسلم: ٤٦٦/١، ٤٦٧ ووافقه الذهبي.

Comments:

Minā is a place of worship and many duties of the *Hajj* like stoning (*Ramy*) sacrifice of animals, shaving of head etc. are performed here, that is why permission for construction was not granted. The reason behind this was to save the people from inconvenience.

Chapter 52. What Has Been Related About Shortening the *Ṣalāt* At Minā

882. Harithah bin Wahb said: "I prayed two *Rak'ah* with the Prophet ﷺ at Minā, and the people were as secure as they ever were, and even more so." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ibn Mas'ūd, Ibn 'Umar, and Anas.

Abū 'Eisā said: The *Hadīth* of Hārithah bin Wahb is a *Hasan*

(المعجم ٥٢) - بَابُ مَا جَاءَ فِي تَقْصِيرِ الصَّلَاةِ بِمِنَى (التحفة ٥٢)

٨٨٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو الْأَحْوَصِ عَنْ [إِسْرَائِيلَ، عَنْ] أَبِي إِسْحَاقَ، عَنْ حَارِثَةَ ابْنِ وَهَبٍ قَالَ: صَلَّيْتُ مَعَ النَّبِيِّ ﷺ بِمِنَى أَمِنَ مَا كَانَ النَّاسُ وَأَكْثَرُهُ رُكْعَتَيْنِ.

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ مَسْعُودٍ وَابْنِ عُمَرَ وَأَنَسٍ.

Ṣaḥīḥ Ḥadīth. It has been reported that Ibn Mas'ūd said: "I prayed two *Rak'ah* at Minā with the Prophet ﷺ, and with Abū Bakr, and with 'Umar, and two *Rak'ah* with 'Uthmān during the beginning of his leadership."

The people of knowledge differ over shortening the *Ṣalāt* at Minā for the people of Makkah. Some of the people of knowledge said the people of Makkah are not to shorten their *Ṣalāt* at Minā unless they are in Minā as a traveler. This is the saying of Ibn Juraij, Sufyān Ath-Thawrī, Yahya bin Sa'eed Al-Qaṭṭān, Ash-Shāfi'ī, Aḥmad and Ishāq. Some of them said there is no harm in the people of Makkah shortening their *Ṣalāt* at Minā, and this is the view of Al-Awzā'ī, Mālik, Sufyān bin 'Uyainah, and 'Abdur-Rahmān bin Maḥdī.

قَالَ أَبُو عِيسَى: حَدِيثُ حَارِثَةَ بْنِ وَهَبٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَرَوَى عَنِ ابْنِ مَسْعُودٍ أَنَّهُ قَالَ: صَلَّيْتُ مَعَ النَّبِيِّ ﷺ بِمِنَى رَكَعَتَيْنِ وَمَعَ أَبِي بَكْرٍ وَمَعَ عُمَرَ وَمَعَ عُثْمَانَ رَكَعَتَيْنِ صَدْرًا مِنْ إِمَارَتِهِ، وَقَدْ اخْتَلَفَ أَهْلُ الْعِلْمِ فِي تَقْصِيرِ الصَّلَاةِ بِمِنَى لِأَهْلِ مَكَّةَ. فَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: لَيْسَ لِأَهْلِ مَكَّةَ أَنْ يَقْصُرُوا الصَّلَاةَ بِمِنَى إِلَّا مَنْ كَانَ بِمِنَى مُسَافِرًا وَهُوَ قَوْلُ ابْنِ جُرَيْجٍ وَسُفْيَانَ الثَّوْرِيِّ وَيَحْيَى بْنِ سَعِيدٍ الْقَطَّانِ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ. وَقَالَ بَعْضُهُمْ: لَا بَأْسَ لِأَهْلِ مَكَّةَ أَنْ يَقْصُرُوا الصَّلَاةَ بِمِنَى وَهُوَ قَوْلُ الْأَوْزَاعِيِّ وَمَالِكٍ وَسُفْيَانَ بْنِ عُيَيْنَةَ وَعَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ.

تخریج: وأخرجه مسلم، صلاة المسافرين، باب قصر الصلاة بمنى، ح: ٦٩٦ عن قتبية به * وفي الباب عن ابن مسعود [البخاري، ح: ١٠٨٤ ومسلم، ح: ٦٩٥] وابن عمر [البخاري، ح: ١٠٨٢ ومسلم، ح: ٦٩٤] وأنس [البخاري، ح: ١٠٨١ ومسلم، ح: ٦٩٣].

Comments:

Why did the Prophet ﷺ perform shortened prayers in Minā? Mostly, scholars and people of knowledge deem it due to travel while others think its only reason is worship as *Hajj* is an *ibādah* (worship). Travel is not its reason as Minā is not that far away from Makkah, which validates the shorting of prayers. As *Zuhr* and *Ashr* prayers are performed shortened and combined at 'Arafāt at the time of *Zuhr*, and similarly *Maghrib* and *Ishā'* prayers are performed combined at the time of *Ishā'* prayer at Muzdalifah. All Muslims do as it has been commanded.

Chapter 53. What Has Been Related About Standing At 'Arafāt And Supplicating There

883. 'Amr bin Dīnār narrated from

(المعجم ٥٣) - بَابُ مَا جَاءَ فِي الْوُقُوفِ بِعَرَفَاتٍ وَالِدُعَاءِ فِيهَا (التحفة ٥٣)

٨٨٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا سُفْيَانُ بْنُ

‘Amr bin ‘Abdullāh bin Ṣafwān, that Yazīd bin Shaibān said: “Ibn Mirba’ Al-Anṣārī came to us while we were standing at our places” (‘Amr bin Dīnār said:) a place that ‘Amr (bin ‘Abdullāh) indicated was far – “And he said: ‘I am a messenger whom the Messenger of Allāh ﷺ sent to you to say : ‘Stay with your (*Hajj*) rites, for indeed you are following a legacy left by Ibrāhīm.”’ (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from ‘Alī, ‘Āishah, Jubair bin Mu‘im, and Ash-Sharīd bin Suwaid Ath-Thaqafī.

Abū ‘Eīsā said: The *Hadīth* of Ibn Mirba’ is a *Ḥasan* (*Ṣaḥīḥ*) *Hadīth*. We do not know of it except through the narration of Ibn ‘Uyainah from ‘Amr bin Dīnār. The name of Ibn Mirba’ is Yazīd bin Mirba’ Al-Anṣārī, and he is only known for this one *Hadīth*.

عُيِّنَتْ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ عَمْرِو بْنِ عَبْدِ اللَّهِ بْنِ صَفْوَانَ، عَنْ يَزِيدَ بْنِ شَيْبَانَ قَالَ: أَتَانَا ابْنُ مَرْعٍ الْأَنْصَارِيُّ وَنَحْنُ وَفُوفٌ بِالْمَوْقِفِ - مَكَانًا يُبَاعِدُهُ عَمْرُو - فَقَالَ: إِنِّي رَسُولُ رَسُولِ اللَّهِ ﷺ إِلَيْكُمْ يَقُولُ: كُونُوا عَلَى مَشَاعِرِكُمْ فَإِنَّكُمْ عَلَى إِرْثٍ مِنْ إِرْثِ إِبْرَاهِيمَ.

[قَالَ:] وَفِي الْبَابِ عَنْ عَلِيٍّ وَعَائِشَةَ وَجُبَيْرِ بْنِ مُطْعِمٍ وَالشَّرِيدِ بْنِ سُوَيْدِ الثَّقَفِيِّ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ مَرْعٍ حَدِيثٌ حَسَنٌ [صَحِيحٌ] لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ ابْنِ عُيَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ. وَابْنُ مَرْعٍ اسْمُهُ يَزِيدُ بْنُ مَرْعٍ الْأَنْصَارِيُّ وَإِنَّمَا يُعْرَفُ لَهُ هَذَا الْحَدِيثُ الْوَاحِدُ.

تخريج: [إسناده صحيح] وأخرجه النسائي، مناسك الحج، باب رفع اليدين في الدعاء بعرفة، ح: ٣٠١٧ عن قتبية به وصححه ابن خزيمة، ح: ٢٨١٨ والحاكم: ٤٦٢/١ والذهبي وهو مخرج في مسند الحميدي، ح: ٥٧٧ (بتحقيقي) * وفي الباب عن علي [يأتي: ٨٨٥] وعائشة [يأتي: ٨٨٤] وجبير بن مطعم [البخاري، ح: ١٦٦٤ ومسلم، ح: ١٢٢٠] والشريد بن سويد الثقفي [أحمد: ٣٨٩/٤ وغيره].

884. ‘Āishah narrated: “The Quraish and those who followed their religion – and they were called *Al-Hums*^[1] – would stand at Al-Muzdalifah, and they would say: ‘We are the people of Allāh.’ The others would stand at ‘Arafāt, so Allāh the Mighty and

٨٨٤ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى الصَّنَعَانِيُّ الْبَصْرِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ الطَّفَاوِيُّ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَانَتْ قُرَيْشٌ وَمَنْ كَانَ عَلَى دِينِهَا وَهُمْ الْحُمْسُ يَقِفُونَ بِالْمُزْدَلِفَةِ

[1] *Al-Hums*: The tribe of Quraish, their offspring and allies were called *Hums*. This word implies enthusiasm and strictness.

Sublime revealed: Then depart from where the people depart.”^[1]

(*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

(He said:) The meaning of this *Hadīth* is that the people of Makkah would [not leave the *Haram* (sacred precincts of Makkah), and ‘Arafat was outside the *Haram*. The people of Makkah would] stand at Al-Muzdalifah and say, “We are Allāh’s people” meaning living in the sanctuary of Allāh. As for those who were not from the people of Makkah, they would stand at ‘Arafāt. So Allāh Most High revealed: Then depart from where the people depart.

And *Al-Hums* are the people of the *Haram*.

يَقُولُونَ نَحْنُ قَطِينُ اللَّهِ وَكَانَ مِنْ سِوَاهُمْ
يَقِفُونَ بِعَرَفَةَ، فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ: ﴿ثُمَّ
أَفِضُوا مِنْ حَيْثُ أَكْصَأَ النَّاسُ﴾
[البقرة: ١٩٩].

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ [قَالَ:] وَمَعْنَى هَذَا الْحَدِيثِ أَنَّ أَهْلَ
مَكَّةَ كَانُوا [لَا يَخْرُجُونَ مِنَ الْحَرَمِ، وَعَرَفَةَ
خَارِجَ مِنَ الْحَرَمِ، وَأَهْلُ مَكَّةَ كَانُوا] يَقِفُونَ
بِالْمُزْدَلِفَةِ وَيَقُولُونَ: نَحْنُ قَطِينُ اللَّهِ يَعْنِي
سُكَّانَ اللَّهِ، وَمَنْ سِوَى أَهْلِ مَكَّةَ كَانُوا يَقِفُونَ
بِعَرَافَاتٍ، فَأَنْزَلَ اللَّهُ تَعَالَى: ﴿ثُمَّ أَفِضُوا مِنْ
حَيْثُ أَكْصَأَ النَّاسُ﴾. وَالْحُمْسُ هُمْ أَهْلُ
الْحَرَمِ.

تخريج: متفق عليه، البخاري، الحج، باب الوقوف بعرفة، ح: ١٦٦٥ ومسلم، ح: ١٢١٩ من حديث هشام به.

Comments:

The word “*Hums*” is plural of “*Aḥmas*” and it means brave. Here it means steadfast in the matter of faith. The *Quraish* were the people of Makkah and lived within the bounds of the *Haram*. They deemed themselves very steadfast in matters of faith. Allāh rebuked this and commanded them to stay in ‘Arafāt. Staying in ‘Arafāt is the most important segment of *Hajj* and it must be performed otherwise there is no *Hajj* and there is no compensation for it. The stay in ‘Arafāt starts from the time the sun begins descending on the 9th of *Dhul-Hijjah* up to the morning of the 10th of *Dhul-Hijjah*. Anybody who reaches ‘Arafāt during this time, his *Hajj* is established, and who does not reach ‘Arafāt in this specified period his *Hajj* is not established. He has to complete ‘*Umrah* and come out of *Ihrām*. According to Imām Aḥmad, the stay in ‘Arafāt is from the morning of the 9th of *Dhul-Hijjah* up to the morning of 10th *Dhul-Hijjah*. (*Al-Mughnī* v. 5. p.274)

^[1] *Al-Baqarah* 2:199.

Chapter 54. What Has Been Related About: All of 'Arafāt Is A Place For Standing

885. 'Alī bin Abī Ṭālib, may Allāh be pleased with him, narrated: "The Messenger of Allāh ﷺ stopped at 'Arafāt and said: 'This is 'Arafāt, and it is the place of standing. And all of 'Arafāt is a place for standing.' Then he departed when the sun had set and took Usāmah bin Zaīd as a companion rider, and he was motioning with his hand as was his custom, and the people were striking (their camels) on the right and the left to try and catch them, so he said: 'O you people! Be calm.' Then he came to Jama'^[1] and performed the two *Ṣalāt* there combined. When the morning came, he went to Quzah and stood there and said: 'This is Quzah, and it is a place of standing, and all of Jama' is a place for standing.' Then he departed until he arrived at Wādī Muḥassir. Then he stuck his she-camel and she trotted until he passed the valley. Then he stopped and took Al-Faḍl as a companion rider and went to the *Jamrah* to stone it. Then he went to *Al-Manḥar*^[2] and said: 'This is *Al-Manḥar*, and all of Minā is a place for sacrifice.' A young girl from *Khath'am* came to ask him for a verdict, she said: 'Indeed my father is an elderly man who has lived until Allāh has made *Hajj* obligatory, so

(المعجم ٥٤) - بَابُ مَا جَاءَ أَنَّ عَرَفَةَ
كُلُّهَا مَوْقِفٌ (التحفة ٥٤)

٨٨٥ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبُو
أَحْمَدَ الزُّبَيْرِيُّ: حَدَّثَنَا سُفْيَانُ عَنْ عَبْدِ
الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ عِيَّاشِ بْنِ أَبِي
رَبِيعَةَ، عَنْ زَيْدِ بْنِ عَلِيٍّ، عَنْ أَبِيهِ، عَنْ عُبَيْدِ
اللَّهِ بْنِ أَبِي رَافِعٍ، عَنْ عَلِيٍّ بْنِ أَبِي طَالِبٍ
رَضِيَ اللَّهُ عَنْهُ قَالَ: وَقَفَ رَسُولُ اللَّهِ ﷺ
بِعَرَفَةَ فَقَالَ: «هَذِهِ عَرَفَةُ وَهُوَ الْمَوْقِفُ وَعَرَفَةُ
كُلُّهَا مَوْقِفٌ»، ثُمَّ أَفَاضَ حِينَ غَرَبَتِ الشَّمْسُ
وَأَزْدَفَ أُسَامَةَ بْنَ زَيْدٍ، وَجَعَلَ يُشِيرُ بِيَدِهِ
عَلَى هَيْئَتِهِ وَالنَّاسُ يَضْرِبُونَ يَمِينًا وَشِمَالًا
يَلْتَفِتُ إِلَيْهِمْ وَيَقُولُ: «يَا أَيُّهَا النَّاسُ عَلَيْكُمْ
السَّكِينَةُ». ثُمَّ أَتَى جَمْعًا فَصَلَّى بِهِمُ
الصَّلَاتَيْنِ جَمِيعًا فَلَمَّا أَصْبَحَ أَتَى فُرَحَ فَوَقَفَ
عَلَيْهِ وَقَالَ: «هَذَا فُرَحُ وَهُوَ الْمَوْقِفُ وَجَمْعُ
كُلُّهَا مَوْقِفٌ» ثُمَّ أَفَاضَ حَتَّى انْتَهَى إِلَى وَادِي
مُحَسِّرٍ فَقَرَعَ نَاقَتَهُ فَحَبَّتْ حَتَّى جَاوَزَ الْوَادِي،
فَوَقَفَ وَأَزْدَفَ الْفَضْلَ ثُمَّ أَتَى الْجَمْرَةَ فَرَمَاهَا
ثُمَّ أَتَى الْمَنْحَرَ فَقَالَ: «هَذَا الْمَنْحَرُ وَمِنَى
كُلُّهَا مَنْحَرٌ». وَاسْتَفْتَتْهُ جَارِيَةٌ شَابَّةٌ مِنْ خَثْعَمَ
فَقَالَتْ: إِنَّ أَبِي شَيْخٌ كَبِيرٌ قَدْ أَدْرَكَتْهُ قَرِيبَةُ
اللَّهِ فِي الْحَجِّ أَفِيحْزِيءُ أَنْ أَحُجَّ عَنْهُ قَالَ:
«حُجِّي عَنْ أَبِيكَ»، قَالَ: وَلَوْ عُنَى

[1] Al-Muzdalifah.

[2] *Al-Manḥar* means "the place of *An-Nahr* (sacrifice)."

would he be rewarded if I perform Hajj for him? He said: 'Perform Hajj for your father.'" He said: "And he ﷺ turned the neck of Al-Faḍl.^[1] So Al-'Abbās said: 'O Messenger of Allāh! Why did you turn the neck of your cousin?' He said: 'I saw a young man and a young woman, and they were not safe from Shaitān.' A man came to him and said, 'O Messenger of Allāh! I performed (*Tawāf*) *Al-Ifādah* before shaving.' He said: 'Shave, and there is no harm' – or; 'Clip and there is no harm'" He said: "Someone else came and said: 'O Messenger of Allāh! I did the sacrifice before stoning.' So he said: 'Stone, and there is no harm.'" He said: "The he went to the House (Ka'bah) to perform *Tawāf* around it, then he went to Zamzam and said: 'O tribe of 'Abdul-Muṭṭalib! If it were not that the people would rush upon you then I would remove it.'" ^[2] (*Da'if*)

He said: There is something about this from Jābir.

Abū 'Eisā said: The *Hadīth* of 'Alī is a *Hasan Ṣaḥīḥ Hadīth*. We do not know of it as a narration of 'Alī except from this route; as a narration of 'Abdur-Raḥmān bin Al-Hārith bin 'Ayyāsh. Others have reported it similarly from Ath-Thawrī.

This is acted upon according to the people of knowledge, they held the view that *Zuhr* and *ʿAsr* are combined during the time of *Zuhr* at 'Arafāt.

الْفَضْلِ، فَقَالَ الْعَبَّاسُ: يَا رَسُولَ اللَّهِ، لِمَ لَوَيْتَ عُقَّتَ ابْنِ عَمِّكَ؟ قَالَ: «رَأَيْتُ شَابًا وَشَابَةً فَلَمْ آمِنْ الشَّيْطَانُ عَلَيْهِمَا». فَأَتَاهُ رَجُلٌ فَقَالَ: يَا رَسُولَ اللَّهِ، إِنِّي أَفَضْتُ قَبْلَ أَنْ أُحْلِقَ قَالَ: «اِحْلِقْ وَلَا حَرَجَ - أَوْ قَصْرَ وَلَا حَرَجَ -». قَالَ: وَجَاءَ آخَرُ فَقَالَ: يَا رَسُولَ اللَّهِ، إِنِّي ذَبَحْتُ قَبْلَ أَنْ أَرْمِيَ، قَالَ: «ارْمِ وَلَا حَرَجَ». قَالَ: ثُمَّ أَتَى الْبَيْتَ فَطَافَ بِهِ ثُمَّ أَتَى زَمْرَمَ فَقَالَ: «يَا بَنِي عَبْدِ الْمُطَّلِبِ لَوْلَا أَنْ يَغْلِبَكُمْ النَّاسُ [عَنْهُ] لَتَرَعْتُ».

قَالَ: وَفِي الْبَابِ عَنْ جَابِرٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ عَلِيٍّ حَدِيثٌ حَسَنٌ صَحِيحٌ لَا نَعْرِفُهُ مِنْ حَدِيثِ عَلِيٍّ إِلَّا مِنْ هَذَا الْوَجْهِ مِنْ حَدِيثِ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ عِيَّاشٍ وَقَدْ رَوَاهُ غَيْرُ وَاحِدٍ، عَنِ الثَّوْرِيِّ مِثْلَ هَذَا. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ قَدْ رَأَوْا أَنْ يُجْمَعَ بَيْنَ الظُّهْرِ وَالْعَصْرِ بِعَرَفَةَ فِي وَقْتِ الظُّهْرِ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: إِذَا صَلَّى الرَّجُلُ فِي رَحْلِهِ وَلَمْ يَشْهَدْ الصَّلَاةَ مَعَ الْإِمَامِ إِنْ شَاءَ جَمَعَ هُوَ بَيْنَ الصَّلَاتَيْنِ مِثْلَ مَا صَنَعَ الْإِمَامُ، قَالَ: وَزِيدُ ابْنُ عَلِيٍّ هُوَ ابْنُ حُسَيْنِ بْنِ عَلِيٍّ بْنِ أَبِي طَالِبٍ [عَلَيْهِ السَّلَام].

^[1] Meaning, that he ﷺ caused him to look away from the girl.

^[2] That is, he would help bring the water out of the well. See *Al-Bukhārī* no. 1635.

Some of the people of knowledge said that if a man performs the *Ṣalāt* at his camp without attending it with the *Imām*, then if he wants he may combine the two prayers just as he does with the *Imām*.

He said: Zaid bin 'Alī is Ibn Husain bin 'Alī bin Abī Ṭālib [peace be upon him].

تخريج: [إسناده ضعيف] وأخرجه أبو داود، المناسك، باب الصلاة بجمع، ح: ١٩٣٥ وابن ماجه، ح: ٣٠١٠ من حديث سفيان الثوري به مدلس وعن حديث أحمد: ٧٦/١ سنه حسن وصححه ابن خزيمة، ح: ٢٨٣٧، ٢٨٨٩ وابن الجارود، ح: ٤٧١ وهو يغني عنه * وفي الباب عن جابر [مسلم، ح: ١٢١٨].

Comments:

- a. It is recommended to proceed to 'Arafāt from Minā after sunrise on the 9th of Dhul-Hijjah and it is also preferable to stay in the valley of Namirah, and, at the descent of the sun from its zenith one should reach 'Arafāt in either case.
- b. On the 10th of Dhul-Hijjah there are four things to be performed: 1) to throw the pebbles at 1st Jamrah 2.) to sacrifice the animal 3.) shaving the head or cutting of hair 4.) *Ṭawāf* of Ka'bah which is as *Ṭawāf-Az-Ziyārah* or *Ṭawāf Al-Ifādah*. It is recommended to perform these rituals in the same sequence as prescribed but if the sequence is not maintained there is no harm in it and there is no penalty for it.
- c. What is reported in this narration is also reported in other authentic narrations with *Al-Bukhārī*, *Muslim*, and others.

Chapter 55. What Has Been Related About Departing From 'Arafāt

(المعجم ٥٥) - بَابُ مَا جَاءَ فِي

الإِفَاضَةِ مِنْ عَرَافَاتٍ (التحفة ٥٥)

886. Jābir narrated: "The Prophet ﷺ hurried through Wādī Muḥassir." Bishr (one of the narrators) added: "He departed from Jam' calmly and he ordered them (the people) to be calm." And Abū Nu'aim (one of the narrators) added: "And he ordered them to do the stoning with what was similar to pebbles for *Al-*

٨٨٦ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا وَكِيعٌ وَبِشْرُ بْنُ السَّرِيِّ وَأَبُو نُعَيْمٍ قَالُوا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ: أَنَّ النَّبِيَّ ﷺ أَوْضَعَ فِي وَادِي مُحَسَّرٍ. وَزَادَ فِيهِ بِشْرٌ: وَأَفَاضَ مِنْ جَمْعٍ وَعَلَيْهِ السَّكِينَةُ وَأَمَرَهُمْ بِالسَّكِينَةِ، وَزَادَ فِيهِ أَبُو

Khadhf^[1] And he said: “Perhaps I will not see you after this year.” (*Ṣaḥīḥ*)

(He said:) There is something about this from Usāmah bin Zaid.

Abū ‘Eisā said: The *Hadīth* of Jābir is a *Ḥasan Ṣaḥīḥ Hadīth*.

نَعِيمٌ: وَأَمَرَهُمْ أَنْ يَرْمُوا بِمِثْلِ حَصَا الْخَذْفِ، وَقَالَ: «لَعَلِّي لَا أَرَاكُمْ بَعْدَ عَامِي هَذَا».

[قَالَ:] وَفِي الْبَابِ عَنْ أُسَامَةَ بْنِ زَيْدٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ جَابِرٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: [صحيح] * في جميع النسخ سفيان بن عيينة والصواب أنه الثوري كما في مسند أحمد: ٣/٣٩١ وغيره وللحديث شواهد * وفي الباب عن أسامة بن زيد [البخاري، ح: ١٦٦٦ ومسلم، ح: ١٢٨٦].

Chapter 56. What Has Been Related About Combining *Maghrib* And *‘Ishā’* At *Muzdalifah*

(المعجم ٥٦) - بَابُ مَا جَاءَ فِي الْجَمْعِ بَيْنَ الْمَغْرِبِ وَالْعِشَاءِ بِالْمُزْدَلِفَةِ (التحفة ٥٦)

887. ‘Abdullāh bin Mālik narrated: “Ibn ‘Umar prayed at Jam’ (Muzdalifah), so he combined two prayers with the *Iqāmah*, and he said: ‘I saw the Messenger of Allāh ﷺ doing the same as this at this place.’” (*Da‘īf*)^[2]

٨٨٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ: حَدَّثَنَا سُفْيَانُ الثَّوْرِيُّ عَنْ أَبِي إِسْحَاقَ، عَنْ عَبْدِ اللَّهِ بْنِ مَالِكٍ: أَنَّ ابْنَ عُمَرَ صَلَّى بِجَمْعٍ فَجَمَعَ بَيْنَ الصَّلَاتَيْنِ بِإِقَامَةٍ وَقَالَ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ فَعَلَ مِثْلَ هَذَا فِي هَذَا الْمَكَانِ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، المناسك، باب الصلاة بجمع، ح: ١٩٢٩ من حديث سفيان الثوري به وأصله متفق عليه، البخاري، ح: ١٦٧٣ ومسلم، ح: ١٢٨٨.

888. (Another chain) that Sa‘eed bin Jubair narrated similarly from Ibn ‘Umar, from the Prophet ﷺ. (*Ṣaḥīḥ*)

Muḥammad bin Bash-shār (one of the narrators) said: “Yaḥya said: ‘The (previous) narration of Sufyān is the one that is correct.’”

٨٨٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ أَبِي إِسْحَاقَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ: قَالَ مُحَمَّدُ بْنُ بَشَّارٍ قَالَ يَحْيَى: وَالصَّوَابُ حَدِيثُ سُفْيَانَ.

[1] “The scholars say *Khadhf* pebbles are about the size of legumes.” (*Tuhfat Al-Ahwadhī*). *Al-Khadhf* for hunting or fighting the enemy was prohibited in a *Hadīth* (see *Al-Bukhārī* no. 5479), and it is to throw pebbles at the enemy or game, or to shoot pebbles from a slingshot.

[2] That is, its chain, while the basis of it is recorded by *Al-Bukhārī*, *Muslim*, and others.

(He said:) There are narrations on this topic from ‘Alī, Abū Ayyūb, ‘Abdullāh bin Mas‘ūd, Jābir, and Usāmah bin Zaid.

Abū ‘Eīsā said: The *Hadīth* of Ibn ‘Umar in the narration of Sufyān (no. 887) is more correct than the narration of Ismā‘īl bin Abī Khālīd (888). The *Hadīth* of Sufyān is a *Hasan Ṣaḥīḥ Hadīth*.

This is acted upon according to the people of knowledge. The *Maghrib Ṣalāt* is not prayed before Jam‘. So when he arrives at Jam‘ – and Jam‘ is Al-Muzdalifah – he combines the two prayers with one *Iqāmah*, and he does not perform voluntary prayers between them. This is what was preferred by some of the people of knowledge, and they follow it. This is the view of Sufyān Ath-Thawrī. Sufyān said: “If he wishes, he prays *Maghrib* then eats supper, situates his clothing, then he gets up to perform the *‘Ishā’* prayer.”

Some of the people of knowledge said that one is to combine the *Maghrib* and *‘Ishā’* prayers at Al-Muzdalifah with one *Adhān* and two *Iqāmah*, calling the *Adhān* for the *Maghrib* prayer, then the *Iqāmah* is called and he prays *Maghrib*, then the *Iqāmah* is called and he prays *‘Ishā’*. This is the view of Ash-Shāfi‘ī.

Abū ‘Eīsā said: Isrā‘īl reported this *Hadīth* from Abū Ishāq, from ‘Abdullāh and Khālīd the sons of Mālik, from Ibn ‘Umar. The narration of Sa‘eed bin Jubair from Ibn ‘Umar is a *Hasan Ṣaḥīḥ Hadīth*. It has also been reported from Salamah bin Kuhail from Sa‘eed bin Jubair. As

[قَالَ:] وَفِي الْبَابِ عَنْ عَلِيٍّ وَأَبِي أَيُّوبَ وَعَبْدِ اللَّهِ بْنِ مَسْعُودٍ وَجَابِرٍ وَأَسَامَةَ بْنِ زَيْدٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عُمَرَ [فِي] رَوَايَةِ سُفْيَانَ أَصَحُّ مِنْ رَوَايَةِ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ. وَحَدِيثُ سُفْيَانَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ أَنَّهُ لَا يُصَلِّي صَلَاةَ الْمَغْرِبِ دُونَ جَمْعٍ، فَإِذَا أَتَى جَمْعًا وَهُوَ الْمُزْدَلِفَةُ جَمَعَ بَيْنَ الصَّلَاتَيْنِ بِإِقَامَةٍ وَاحِدَةٍ وَلَمْ يَطْلُوعَ فِيمَا بَيْنَهُمَا وَهُوَ الَّذِي اخْتَارَهُ بَعْضُ أَهْلِ الْعِلْمِ وَذَهَبُوا إِلَيْهِ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ قَالَ سُفْيَانُ: وَإِنْ شَاءَ صَلَّى الْمَغْرِبَ ثُمَّ تَعَشَّى وَوَضَعَ ثِيَابَهُ ثُمَّ أَقَامَ فَصَلَّى الْعِشَاءَ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: يَجْمَعُ بَيْنَ الْمَغْرِبِ وَالْعِشَاءِ بِالْمُزْدَلِفَةِ بِأَذَانٍ وَإِقَامَتَيْنِ يُؤَدِّنُ لِمُزْدَلِفَةِ الْمَغْرِبِ وَيُقيمُ وَيُصَلِّي الْمَغْرِبَ ثُمَّ يُقيمُ وَيُصَلِّي الْعِشَاءَ، وَهُوَ قَوْلُ الشَّافِعِيِّ. قَالَ [أَبُو عِيسَى]: وَرَوَى إِسْرَائِيلُ هَذَا الْحَدِيثَ عَنْ أَبِي إِسْحَاقَ، عَنْ عَبْدِ اللَّهِ وَخَالِدِ ابْنَيْ مَالِكٍ، عَنِ ابْنِ عُمَرَ. وَحَدِيثُ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عُمَرَ هُوَ حَدِيثٌ حَسَنٌ صَحِيحٌ. أَيْضًا رَوَاهُ سَلَمَةُ بْنُ كُهَيْلٍ عَنْ سَعِيدِ بْنِ جُبَيْرٍ. وَأَمَّا أَبُو إِسْحَاقَ فَإِنَّمَا رَوَاهُ عَنْ عَبْدِ اللَّهِ وَخَالِدِ ابْنَيْ مَالِكٍ، عَنِ ابْنِ عُمَرَ.

for Abū Ishāq, he only reported it from ‘Abdullāh and Khālid, the sons of Mālik, from Ibn ‘Umar.

تخريج: وأخرجه مسلم، الحج، باب الإفاضة من عرفات إلى المزدلفة ... إلخ، ح: ٢٩١/١٢٨٨ من حديث إسماعيل بن أبي خالد به، انظر الحديث السابق * وفي الباب عن علي [تقدم: ٨٨٥] وأبي أيوب [البخاري، ح: ١٦٧٤ ومسلم، ح: ١٢٨٧] وعبدالله بن مسعود [البخاري، ح: ١٦٧٥ ومسلم، ح: ١٢٨٩] وجابر [مسلم، ح: ١٢١٨] وأسامة بن زيد [البخاري، ح: ١٥٤٣ ومسلم، ح: ١٢٨٠].

Comments:

The view of the *A‘immah* regarding combining the prayers has been explained in chapter 54. All the *A‘immah* agree that an individual praying alone can combine two prayers. It is permitted to eat food between two prayers.

Chapter 57. What Has Been Related About: Whoever Sees The *Imām* At Jam‘ Then He Has Attended the *Hajj*

(المعجم ٥٧) - بَابُ مَا جَاءَ [فِي] مَنْ
أَدْرَكَ الْإِمَامَ بِجَمْعٍ فَقَدْ أَدْرَكَ الْحَجَّ
(التحفة ٥٧)

889. ‘Abdur-Raḥmān bin Ya‘mar narrated that some people among the residents of Najd came to the Messenger of Allāh ﷺ while he was at ‘Arafāt. They were questioning him, so he ordered a caller to proclaim: “The *Hajj* is ‘*Arafah*. Whoever came to Jam‘ during the night, before the time of *Fajr*, then he has attended the *Hajj*. The days of Minā are three, so whoever hastens (leaving after) two days, then there is no sin upon him, and whoever delays, then there is no sin upon him.” Muḥammad said: “Yaḥya added: ‘And he took a companion rider to proclaim it.” (*Ṣaḥīḥ*)

٨٨٩ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ وَعَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ قَالَا: حَدَّثَنَا سُفْيَانُ عَنْ بُكَيْرِ بْنِ عَطَاءٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَعْمَرَ: أَنَّ نَاسًا مِنْ أَهْلِ نَجْدٍ أَتَوْا رَسُولَ اللَّهِ ﷺ وَهُوَ بَعْرَفَةَ، فَسَأَلُوهُ فَأَمَرَ مُنَادِيًا فَنَادَى: الْحَجُّ عَرَفَةُ، مَنْ جَاءَ لَيْلَةَ جَمْعٍ قَبْلَ طُلُوعِ الْفَجْرِ فَقَدْ أَدْرَكَ الْحَجَّ، أَيَّامٌ مِنْ ثَلَاثَةٍ فَمَنْ تَعَجَّلَ فِي يَوْمَيْنِ فَلَا إِنْثَمَ عَلَيْهِ وَمَنْ تَأَخَّرَ فَلَا إِنْثَمَ عَلَيْهِ. قَالَ مُحَمَّدٌ: وَزَادَ يَحْيَى: وَأَرْدَفَ رَجُلًا فَنَادَى بِهِ.

تخريج: [إسناده صحيح] وأخرجه أبو داود، المناسك، باب من لم يدرك عرفة، ح: ١٩٤٩ وابن ماجه، ح: ٣٠١٥ والنسائي ٢٥٦/٥، ح: ٣٠١٩ من حديث سفیان الثوري به وصرح بالسماع وصححه ابن خزيمة، ح: ٢٨٢٢ وابن حبان (الإحسان): ٣٨٨١ والحاكم ٢٧٨/١، ٤٦٣، ٤٦٤ ووافقه الذهبي.

Comments:

The view of the *A'imma* regarding staying at 'Arafāt has been explained in chapter 53, and the explanation about Al-Muzdlifah in chapter 54. According to three *A'imma*, Abū Ḥanīfah, Ath-Thawrī and Shāfi'ī, if anybody reached 'Arafāt after the sun has passed its zenith on the 9th of Dhul-Hijjah and returned from 'Arafāt before sunset, he attended the Hajj, but he will pay the penalty.

890. (Another chain) with a similar narration (as no. 889). (*Ṣaḥīḥ*)

He said: Ibn Abī 'Umar said: "Sufyān bin 'Uyainah said: 'This is the best of *Aḥādīth* that Sufyān Ath-Thawrī reported.'"

Abū 'Eisā said: The *Ḥadīth* of 'Abdur-Raḥmān bin Ya'mar is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. Whoever does not stand at 'Arafah before the time of *Fajr* then he has missed the Hajj, and it is not acceptable from him if he comes after the time of *Fajr* begins, and it will be considered an "*Umrah*, and he will have to perform Hajj in the future. This is the view of Ath-Thawrī, Ash-Shāfi'ī, Aḥmad and Ishāq.

(Abū 'Eisā said:) Shu'bah reported a *Ḥadīth* similar to that of Ath-Thawrī from Bakair bin 'Aṭā'.

He said: I heard Al-Jārūd saying: "I heard Waki' saying" and he reported this *Ḥadīth*, so he said, "This *Ḥadīth* is *Umm Al-Manāsik*."^[1]

٨٩٠ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا

سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ سُفْيَانَ الثَّوْرِيِّ، عَنْ بُكَيْرِ ابْنِ عَطَاءٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَعْمَرَ عَنِ النَّبِيِّ ﷺ نَحْوَهُ بِمَعْنَاهُ. قَالَ: وَقَالَ ابْنُ أَبِي عُمَرَ: قَالَ سُفْيَانُ بْنُ عُيَيْنَةَ: وَهَذَا أَجْوَدُ حَدِيثٍ رَوَاهُ سُفْيَانُ الثَّوْرِيُّ.

قَالَ أَبُو عِيسَى: وَالْعَمَلُ عَلَى حَدِيثِ عَبْدِ الرَّحْمَنِ بْنِ يَعْمَرَ عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: أَنَّهُ مَنْ لَمْ يَقِفْ بِعَرَافَاتٍ قَبْلَ طُلُوعِ الْفَجْرِ فَقَدْ فَاتَهُ الْحَجُّ وَلَا يُجْزِئُهُ عَنْهُ إِنْ جَاءَ بَعْدَ طُلُوعِ الْفَجْرِ وَيَجْعَلُهَا عُمْرَةً وَعَلَيْهِ الْحَجُّ مِنْ قَابِلٍ، وَهُوَ قَوْلُ الثَّوْرِيِّ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ.

[قَالَ أَبُو عِيسَى:] وَقَدْ رَوَى شُعْبَةُ عَنْ بُكَيْرِ بْنِ عَطَاءٍ نَحْوَ حَدِيثِ الثَّوْرِيِّ، قَالَ: وَسَمِعْتُ الْجَارُودَ يَقُولُ: سَمِعْتُ وَكِيعًا يَقُولُ، وَرَوَى هَذَا الْحَدِيثَ فَقَالَ: هَذَا الْحَدِيثُ أُمُّ الْمَنَاسِكِ.

تخريج: [صحيح] وأخرجه أبو داود، ح: ١٩٤٩ (انظر الحديث السابق) والحميدي، ح: ٩٠١ عن سفيان بن عيينة به * قول وكيع: سنده صحيح.

[1] The basis for the rites of Hajj.

Comments:

Imām Suyūṭī writes that the narrations of the people of Al-Kūfah usually (in the chain), contain *Tadlīs* and are narrated differently by others. This narration is free of any of that, which is why it was called the best of *Ath-Thawrī*. (*Tuḥfat Al-Aḥwadhī* v. 2, p102.)

891. ‘Urwah bin Muḍarris bin Aws bin Ḥārithah bin Lām Aṭ-Ṭā’i narrated: “I came to the Messenger of Allāh ﷺ at Al-Muzdalifah when he left for the *Ṣalāt*. I said: ‘O Messenger of Allāh! I came from the two mountains of (the tribe of) Ṭaī, wearing out my mount and exhausting myself. By Allāh! I did not leave a *Habl* (sand dune) without stopping on it. So is there *Hajj* for me?’ The Messenger of Allāh ﷺ said: ‘Whoever attends this *Ṣalāt* of ours, and stays here with us until departing, while he has stood during the night or the day before that at ‘Arafāt, then he has completed his *Hajj* and fulfilled his *Tafath*.’” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

[He said: His saying: “his *Tafath*” means his rites. His saying, “I did not leave a *Habl* without stopping on it” – when it is sand they say: “*Habl*” and when it is rock they say: “*Jabl*.”]

٨٩١ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ عَنْ دَاوُدَ بْنِ أَبِي هِنْدٍ وَحَدَّثَنَا إِسْمَاعِيلُ بْنُ أَبِي خَالِدٍ وَزَكَرِيَّا بْنُ أَبِي زَائِدَةَ عَنْ الشَّعْبِيِّ، عَنْ عُرْوَةَ بْنِ مُضَرَّسٍ بْنِ أَوْسِ ابْنِ حَارِثَةَ بْنِ لَامِ الطَّائِي قَالَ: أَتَيْتُ رَسُولَ اللَّهِ ﷺ بِالْمُزْدَلِفَةِ حِينَ خَرَجَ إِلَى الصَّلَاةِ فَقُلْتُ: يَا رَسُولَ اللَّهِ إِنِّي جِئْتُ مِنْ جَبَلِي طَيٍّ أَكَلْتُ رَاحِلَتِي وَأَتَعَبْتُ نَفْسِي، وَاللَّهِ مَا تَرَكْتُ مِنْ جَبَلٍ إِلَّا وَقَفْتُ عَلَيْهِ فَهَلْ لِي مِنْ حَجٍّ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ شَهِدَ صَلَاتَنَا هَذِهِ وَوَقَفَ مَعَنَا حَتَّى يَدْفَعَ وَقَدْ وَفَّ بِعَرَفَةَ قَبْلَ ذَلِكَ لَيْلًا أَوْ نَهَارًا، فَقَدْ نَمَّ حَجُّهُ وَقَضَى تَفَثَهُ».

قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. [قَالَ: قَوْلُهُ تَفَثُهُ يَعْنِي نُسْكُهُ قَوْلُهُ: مَا تَرَكْتُ مِنْ جَبَلٍ إِلَّا وَقَفْتُ عَلَيْهِ. إِذَا كَانَ مِنْ رَمَلٍ يُقَالُ لَهُ: جَبَلٌ، وَإِذَا كَانَ مِنْ حِجَارَةٍ يُقَالُ لَهُ: جَبَلٌ].

تخريج: [صحيح] وأخرجه النسائي: ٢٦٣/٥، ح: ٣٠٤٢ (مناسك الحج، باب: فيمن لم يدرك صلاة الصبح مع الإمام بالمزدلفة) من حديث سفيان بن عيينة به وصححه ابن خزيمة: ٢٥٦/٤ وابن حبان، ح: ٣٨٣٩، ٣٨٤٠ (الإحسان) والحاكم: ٤٦٣/١ والذهبي.

Comments:

This narration strengthens the point of view of Imām Aḥmad, that he who reaches ‘Arafāt between the morning of the 9th of Dhul-Hijjah and morning of the 10th of Dhul-Hijjah then he has attended the *Hajj*. The view of the Rightly Guided Caliphs and Imām Aḥmad support each other.

Chapter 58. What Has Been Related About The Weak Departing Early From Jam‘ During The Night

892. Ibn ‘Abbās narrated: “The Messenger of Allāh ﷺ sent me with the *Thaqal* (load of baggage) during the night from Jam‘.”^[1] (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from ‘Āishah, Umm Ḥabībah, Asmā’ (bint Abī Bakr), and Al-Faḍl (bin ‘Abbās).

Abū ‘Eīsā said: The *Hadīth* of Ibn ‘Abbās: “The Messenger of Allāh ﷺ sent me with the *Thaqal* (load of baggage) during the night from Jam‘” is a *Ṣaḥīḥ Hadīth* which was reported from him through more than one route.

Shu‘bah reported this *Hadīth* from Mushāsh, from ‘Atā’, from Ibn ‘Abbās, from Al-Faḍl bin ‘Abbās: “The Prophet ﷺ advanced the weak among his family during the night from Jam‘.”

But this narration is a mistake. Mushāsh was mistaken in it, he added “from Al-Faḍl bin ‘Abbās.” Ibn Juraij and others reported this *Hadīth* from ‘Atā’, from Ibn ‘Abbās, and they did not mention “from Al-Faḍl bin ‘Abbās” in it. (Mushāsh is from Al-Baṣrah, and Shu‘bah reports from him.)

تخريج: وأخرجه مسلم، الحج، باب استحباب تقديم دفع الضعفة من النساء وغيرهن من مزدلفة... إلخ، ح: ١٢٩٣ عن قتيبة، والبخاري، ح: ١٦٧٧ من حديث حماد بن زيد به *

(المعجم ٥٨) - بَابُ مَا جَاءَ فِي تَقْدِيمِ
الضَّعْفَةِ مِنْ جَمْعِ بَلِيلٍ (التحفة ٥٨)

٨٩٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ
عَنْ أَيُّوبَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ
قَالَ: بَعَثَنِي رَسُولُ اللَّهِ ﷺ فِي ثَقَلٍ مِنْ جَمْعِ
بَلِيلٍ.

[قَالَ:] وَفِي الْبَابِ عَنْ عَائِشَةَ وَأُمِّ حَبِيبَةَ
وَأَسْمَاءَ [بِنْتِ أَبِي بَكْرٍ] وَالْفَضْلِ [ابْنِ
عَبَّاسٍ].

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ:
بَعَثَنِي رَسُولُ اللَّهِ ﷺ فِي ثَقَلٍ مِنْ جَمْعِ بَلِيلٍ،
حَدِيثٌ صَحِيحٌ رَوَى عَنْهُ مِنْ غَيْرِ وَجْهِ.
وَرَوَى شُعْبَةُ هَذَا الْحَدِيثَ عَنْ مُشَاشٍ، عَنْ
عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، عَنِ الْفَضْلِ بْنِ
عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ قَدَّمَ ضَعْفَةَ أَهْلِهِ مِنْ
جَمْعِ بَلِيلٍ وَهَذَا حَدِيثٌ خَطَأً أَخْطَأَ فِيهِ
مُشَاشٌ وَزَادَ فِيهِ عَنِ الْفَضْلِ بْنِ عَبَّاسٍ.
وَرَوَى ابْنُ جُرَيْجٍ وَغَيْرُهُ هَذَا الْحَدِيثَ عَنْ
عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ. وَلَمْ يَذْكُرُوا فِيهِ، عَنِ
الْفَضْلِ بْنِ عَبَّاسٍ [وَمُشَاشٌ بَصْرِيٌّ رَوَى عَنْهُ
شُعْبَةُ].

[1] *Thaqal*: “The traveler’s baggage and entourage.” *Tuhfat Al-Aḥwadhī*. See *Al-Bukhārī* nos. 1676-1681.

وفي الباب عن عائشة [البخاري، ح: ١٦٨٠ ومسلم، ح: ١٢٩٠] وأم حبيبة [مسلم، ح: ١٢٩٢] وأسماء بنت أبي بكر [البخاري، ح: ١٦٧٩ ومسلم، ح: ١٢٩١] والفضل بن عباس [النسائي، ح: ٣٠٣٧].

893. Ibn ‘Abbās narrated: “The Prophet ﷺ advanced the weak among his family and he said: ‘Do not stone the *Jamrah* until the sun has risen.’” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: The *Ḥadīth* of Ibn ‘Abbās is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This *Ḥadīth* is acted upon according to the people of knowledge. They did not see any harm in the weak leaving Al-Muzdalifah, early during the night, to go to Minā.

The view of most of the people of knowledge was in accordance with the *Ḥadīth* of the Prophet ﷺ that: they should not stone until the sun has risen. Some of the people of knowledge allowed them to stone during the night. The *Ḥadīth* of the Prophet ﷺ (that they should not stone) is acted upon, and it is the view of Ath-Thawrī and Ash-Shāfi‘ī.

تخريج: [صحيح] وأخرجه أحمد: ٣٤٤/١ عن وكيع به وأصله متفق عليه، البخاري، ح: ١٦٧٨ ومسلم، ح: ١٢٩٣ ورواه أبو داود، ح: ١٩٢٠ من حديث الحكم به.

Chapter 59. What Has Been Related About Stoning On The Day Of *An-Naḥr* During *Ḍuḥā* (The Morning Light)

894. Jābir narrated: “The Prophet ﷺ would stone on the Day of *An-Naḥr* during the morning light, as for (the days) afterwards, then (he

٨٩٣ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا وَكِيعٌ عَنْ الْمَسْعُودِيِّ، عَنِ الْحَكَمِ، عَنْ مِقْسَمٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ قَدَّمَ ضَعْفَةَ أَهْلِهِ وَقَالَ: «لَا تَرْمُوا الْجَمْرَةَ حَتَّى تَطْلُعَ الشَّمْسُ».

قَالَ أَبُو عِيْسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ أَهْلِ الْعِلْمِ، لَمْ يَرَوْا بَأْسًا أَنْ يَتَقَدَّمَ الضَّعْفَةُ مِنَ الْمُرْدَلِفَةِ بَلِيلٍ يَصِيرُونَ إِلَى مَنَى.

وَقَالَ أَكْثَرُ أَهْلِ الْعِلْمِ بِحَدِيثِ النَّبِيِّ ﷺ أَنَّهُمْ لَا يَرْمُونَ حَتَّى تَطْلُعَ الشَّمْسُ، وَرَخَّصَ بَعْضُ أَهْلِ الْعِلْمِ فِي أَنْ يَرْمُوا بَلِيلٍ. وَالْعَمَلُ عَلَى حَدِيثِ النَّبِيِّ ﷺ [أَنَّهُمْ لَا يَرْمُونَ] وَهُوَ قَوْلُ الثَّوْرِيِّ وَالشَّافِعِيِّ.

(المعجم ٥٩) - بَابُ [مَا جَاءَ فِي رَمْيِ يَوْمِ النَّحْرِ ضَحَى] (التحفة ٥٩)

٨٩٤ - حَدَّثَنَا عَلِيُّ بْنُ خَشْرَمٍ: حَدَّثَنَا عِيْسَى بْنُ يُونُسَ عَنْ ابْنِ جُرَيْجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: كَانَ النَّبِيُّ ﷺ يَرْمِي

would do it) after the Zenith of the sun.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Hadīth* is *Hasan Ṣaḥīḥ*. This (*Hadīth*) is acted upon according to most of the people of knowledge: one is not to stone after the Day of *An-Nahr* except after the sun passes the Zenith.

يَوْمَ النَّحْرِ صُحِّي وَأَمَّا بَعْدَ ذَلِكَ فَبَعْدَ زَوَالِ الشَّمْسِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا [الْحَدِيثِ] عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ أَنَّهُ لَا يَرْمِي بَعْدَ يَوْمِ النَّحْرِ إِلَّا بَعْدَ الزَّوَالِ.

تخريج: وأخرجه مسلم، الحج، باب بيان وقت استحباب الرمي، ح: ١٢٩٩ عن علي بن خشرم به.

Comments:

On the Day of *An-Nahr*, pebbles are thrown to the *Jamrah Al-Aqabah* which is also called *Jamrat Al-Kubrā*. It is situated on the side of Makkah. In the rest of the days the pebbles are thrown to all the *Jamrah*.

Chapter 60. What Has Been Related About: Departing From Jam‘ Is Before The Rising Of The Sun

895. Ibn ‘Abbās narrated: “The Prophet ﷺ departed before the rising of the sun.” (*Ṣaḥīḥ*)

(He said:) There is something on this topic from ‘Umar.

Abū ‘Eisā said: The *Hadīth* of Ibn ‘Abbās is a *Hasan Ṣaḥīḥ Hadīth*. Only the people of *Jāhiliyyah* would wait until the sun had risen and then depart.

(المعجم ٦٠) - بَابُ مَا جَاءَ أَنَّ الْإِفَاضَةَ مِنْ جَمْعٍ قَبْلَ طُلُوعِ الشَّمْسِ (التحفة ٦٠)

٨٩٥ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ عَنِ الْأَعْمَشِ، عَنِ الْحَكَمِ، عَنْ مِقْسَمٍ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ أَفَاضَ قَبْلَ طُلُوعِ الشَّمْسِ.

[قَالَ:] وَفِي الْبَابِ عَنْ عُمَرَ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَإِنَّمَا كَانَ أَهْلُ الْجَاهِلِيَّةِ يَنْتَظِرُونَ حَتَّى تَطْلُعَ الشَّمْسُ ثُمَّ يُفِضُونَ.

تخريج: [صحيح] وأخرجه أحمد: ٢٣١/١ عن أبي خالد الأحمر به وللحديث شواهد منها الحديث الآتي * وفي الباب عن عمر [يأتي: ٨٩٦].

Comments:

The view of the *A‘immah* has been explained in Chapter 54.

896. ‘Amr bin Maimūn narrated: “We were halted at Jama’ when ‘Umar bin Al-Khaṭṭāb said: “The idolaters would not depart until the sun had risen and they would say: “Let the sun shine on Thabīr”^[1] and indeed the Messenger of Allāh ﷺ contradicted them.” So ‘Umar departed before the rising of the sun.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Ḥadīth* is *Hasan Ṣaḥīḥ*.

٨٩٦ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ قَالَ: أُنْبَأَنَا شُعْبَةُ عَنْ أَبِي إِسْحَاقَ قَالَ: سَمِعْتُ عَمْرَو بْنَ مَيْمُونٍ يُحَدِّثُ يَقُولُ: كُنَّا وَفُوقًا يَجْمَعُ فَقَالَ عَمْرُ بْنُ الْخَطَّابِ: إِنَّ الْمُشْرِكِينَ كَانُوا لَا يُفِيضُونَ حَتَّى تَطْلُعَ الشَّمْسُ وَكَانُوا يَقُولُونَ: أَشْرِقَ ثَبِيرٌ، وَإِنَّ رَسُولَ اللَّهِ ﷺ خَالَفَهُمْ. فَأَفَاضَ عَمْرُ قَبْلَ طُلُوعِ الشَّمْسِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: وأخرجه البخاري، الحج، باب: متى يدفع من جمع، ح: ١٦٨٤ من حديث شعبة به.

Comments:

In the era of *Jahiliyyah* (the Period of Ignorance) people used to sit and wait for the sunrise. The affirmation of sunrise was that the mount of Thabīr would shine. While sitting and waiting for the sunrise they used to say “O Thabīr shine up.” In *Ibn Mājah* there is the addition of the words “so we could attack.”

Chapter 61. What Has Been Related About: The *Jimār* Are Stoned With Pebbles Similar To *Al-Khadhf*^[2]

897. Jābir narrated: “I saw the Messenger of Allāh ﷺ stoning the *Jimār* with what was similar to pebbles for *Al-Khadhaf*.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Sulaiman bin ‘Amr bin Al-Aḥwaṣ from his mother – she is Umm Jundab Al-Azdiyah – and, Ibn ‘Abbās, Al-Faḍl bin ‘Abbās, ‘Abdur-Raḥmān bin ‘Uthmān, At-

(المعجم ٦١) - بَابُ مَا جَاءَ أَنَّ الْجِمَارَ الَّتِي يُرْمَى بِهَا مِثْلُ حَصَى الْخَذْفِ (التحفة ٦١)

٨٩٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ: حَدَّثَنَا ابْنُ جُرَيْجٍ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ يَرْمِي الْجِمَارَ بِمِثْلِ حَصَى الْخَذْفِ. [قَالَ:] وَفِي الْبَابِ عَنْ سُلَيْمَانَ بْنِ عَمْرٍو ابْنِ الْأَحْوَصِ، عَنْ أُمِّهِ - وَهِيَ أُمُّ جُنْدَبٍ

^[1] The largest mountain of Makkah which is visible on the route to Minā. See *Tuḥfat Al-Aḥwadhī*.

^[2] See no. 886.

Taimī, and ‘Abdur-Raḥmān bin Mu‘adh.

Abū ‘Eisā said: This *Hadīth* is *Hasan Sahīh*. This is what is preferred by the people of knowledge; that the *Jimār* are stoned with what is similar to pebbles used for *Al-Khadhf*.

الْأَرْدِيَّةُ - وَابْنِ عَبَّاسٍ وَالْفَضْلُ بْنُ عَبَّاسٍ
وَعَبْدُ الرَّحْمَنِ بْنُ عُثْمَانَ التَّيْمِيُّ وَعَبْدُ
الرَّحْمَنِ بْنُ مُعَاذٍ.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ. وَهُوَ الَّذِي اخْتَارَهُ أَهْلُ الْعِلْمِ أَنْ
تَكُونَ الْجِمَارُ الَّتِي يُرْمَى بِهَا مِثْلَ حَصَى
الْخَذْفِ.

تخريج: [صحيح] وأخرجه النسائي: ٢٧٤/٥، ح: ٣٠٧٧ (مناسك الحج، باب المكان الذي ترمى منه جمره العقبة) عن محمد بن بشار به وهو في صحيح مسلم، ح: ١٢٩٩ من حديث ابن جريج به * وفي الباب عن سليمان بن عمرو بن الأحوص عن أمه [أبو داود، ح: ١٩٦٦] وابن عباس [يأتي: ٨٩٨] والفضل بن عباس [النسائي، ح: ٣٠٨١] وابن خزيمة، ح: ٢٨٨١، ٢٨٨٧ وغيرهما [وعبدالرحمن بن عثمان التيمي [الدارمي: ٣٧٩/١، ح: ١٩٠٤] وعبدالرحمن بن معاذ [أبو داود، ح: ١٩٥٧].

Comments:

The scholars recommend that the *Jimār* should be stoned with pebbles, and not with big stones or anything else, as the *Sunnah* of the Prophet ﷺ. The size of the pebble should be as the average size of chick peas.

Chapter 62. What Has Been Related About Stoning After The Sun Has Passed The Zenith

(المعجم ٦٢) - بَابُ مَا جَاءَ فِي الرَّمْيِ
بَعْدَ زَوَالِ الشَّمْسِ (التحفة ٦٢)

898. Ibn ‘Abbās narrated: “The Messenger of Allāh ﷺ stoned the *Jimār* when the sun had passed the zenith.” (*Sahīh*)

Abū ‘Eisā said: This *Hadīth* is *Hasan*.

٨٩٨ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدِ الصَّغِيِّ
الْبَصْرِيُّ: حَدَّثَنَا زِيَادُ بْنُ عَبْدِ اللَّهِ عَنْ
الْحَجَّاجِ، عَنْ الْحَكَمِ، عَنْ مِقْسَمٍ، عَنْ ابْنِ
عَبَّاسٍ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يُرْمَى
الْجِمَارَ إِذَا زَالَتِ الشَّمْسُ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ.

تخريج: [صحيح] وأخرجه ابن ماجه، المناسك، باب رمي الجمار أيام التشريق، ح: ٣٠٥٤ من حديث الحكم به مطولاً وسنده ضعيف وله شواهد انظر، ح: ٨٩٤.

Chapter 63. What Has Been Related About Stoning The *Jimār* While Riding (And Walking)

899. Ibn ‘Abbās narrated: “The Prophet ﷺ stoned the *Jamrah* on the Day of *An-Nahr* while riding.” (*Hasan*)

(He said:) There are narrations on this topic from Jābir, Qudāmah bin ‘Abdullāh, and Umm Sulaimān bin ‘Amr bin Al-Aḥwaṣ.

Abū ‘Eīsā said: The *Hadīth* of Ibn ‘Abbās is a *Hasan Hadīth*. It is acted upon according to some of the people of knowledge. Some of them preferred that one walk to the *Jimār*. (It has been reported from Ibn ‘Umar, from the Prophet ﷺ that he ﷺ would walk to the *Jimār*). To us, the reasoning in this *Hadīth* is that he rode on some of the days to set a precedence for doing it, and both of the *Aḥādīth* are acted upon according to the people of knowledge.

(المعجم ٦٣) - بَابُ مَا جَاءَ فِي رَمَى الْجِمَارِ رَاكِبًا [وَمَاشِيًا] (التحفة ٦٣)

٨٩٩ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّا بْنُ أَبِي زَائِدَةَ: حَدَّثَنَا الْحَجَّاجُ عَنِ الْحَكَمِ، عَنْ مِقْسَمٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ رَمَى الْجِمْرَةَ يَوْمَ النَّحْرِ رَاكِبًا.

[قَالَ:] وفي الباب عَنْ جَابِرٍ وَقُدَامَةَ بْنِ عَبْدِ اللَّهِ وَأُمِّ سُلَيْمَانَ بْنِ عَمْرٍو بْنِ الْأَحْوَصِ. قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ. وَالْعَمَلُ عَلَيْهِ عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ، وَاخْتَارَ بَعْضُهُمْ أَنْ يَمْشِيَ إِلَى الْجِمَارِ، [وَقَدْ رَوَى عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ]: أَنَّهُ كَانَ يَمْشِي إِلَى الْجِمَارِ] وَوَجْهُ هَذَا الْحَدِيثِ عِنْدَنَا أَنَّهُ رَكِبَ فِي بَعْضِ الْأَيَّامِ لِيُقْتَدَى بِهِ فِي فِعْلِهِ، وَكِلَا الْحَدِيثَيْنِ مُسْتَعْمَلٌ عِنْدَ أَهْلِ الْعِلْمِ.

تخريج: [حسن] وأخرجه ابن ماجه، المناسك، باب رمي الجمار راكعًا، ح: ٣٠٣٤ من حديث الحجاج بن أرتاة به وله شواهد عند ابن ماجه، ح: ٣٠٣٥ وغيره * وفي الباب عن جابر [مسلم، ح: ١٢١٨] وقدامة بن عبدالله [يأتي: ٩٠٣] وأم سليمان بن عمرو بن الأحوص [أبو داود، ح: ١٩٦٦].

Comments:

The narration of Jābir is unanimously agreed upon, that the Prophet ﷺ stoned *Jamrah Al-Aqabah* while riding his she-camel. He said, “Learn from me to perform the rites of *Hajj*, for I am not aware if I will perform the next *Hajj* or not.”

900. Ibn ‘Umar narrated: “The Prophet ﷺ would walk when stoning the *Jimār*, both going and returning.” (*Ṣaḥīḥ*)

٩٠٠ - حَدَّثَنَا يُونُسُ بْنُ عِيسَى: حَدَّثَنَا ابْنُ نُمَيْرٍ عَنْ عُيَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا رَمَى الْجِمَارَ مَشَى إِلَيْهَا ذَاهِبًا وَرَاجِعًا.

Abū 'Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*. Some of them reported it from 'Ubaidullāh, and they did not narrate it in *Marfū'* form. This is acted upon according to most of the people of knowledge. Some of them said that one is to ride on the Day of *An-Nahr* and walk on the days after the Day of *An-Nahr*.

Abū 'Eīsā said: It is as if those who said that only intended that out of following the action of the Prophet ﷺ, because it has only been reported from the Prophet ﷺ that he rode on the Day of *An-Nahr* when he went to stone the *Jimār*, and he only stoned *Jamrāt Al-'Aqabah* on the Day of *An-Nahr*.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رَوَاهُ بَعْضُهُمْ عَنْ عُبَيْدِ اللَّهِ وَلَمْ يَرْفَعْهُ وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ، وَقَالَ بَعْضُهُمْ: يَرْكَبُ يَوْمَ النَّحْرِ وَيَمْشِي فِي الْأَيَّامِ الَّتِي بَعْدَ يَوْمِ النَّحْرِ. قَالَ أَبُو عِيسَى: وَكَأَنَّ مَنْ قَالَ هَذَا إِنَّمَا أَرَادَ اتِّبَاعَ النَّبِيِّ ﷺ فِي فِعْلِهِ، لِأَنَّهُ إِنَّمَا رُوِيَ عَنِ النَّبِيِّ ﷺ أَنَّهُ رَكَبَ يَوْمَ النَّحْرِ حَيْثُ ذَهَبَ يَرْمِي الْجِمَارَ وَلَا يَرْمِي يَوْمَ النَّحْرِ إِلَّا جَمْرَةَ الْعَقَبَةِ.

تخریج: [صحیح] وأخرجه أبو داود، المناسك، باب: في رمي الجمار، ح: ١٩٦٩ من حديث عبدالله العمري به وسنده حسن.

Comments:

Most of the *A'immah* are of the opinion that it is commended and approved to stone the *Jimār* while riding on the Day of *An-Nahr*. There is a difference of opinion on stoning the *Jimār* on rest of the two days. Imām Nawawī, Imām Mālik, and Imām Shāfi'ī are of the opinion it is better if *Jamrat Al-'Aqabah* is stoned while riding, provided someone reaches there on a mount, but if he is on foot he should stone it as he reached there. It is *Sunnah* to stone the *Jimār* on foot in first two days of *Tashrīq*, that is the 11th and 12th of *Dhul-Hijjah* and on the third, that is the 13th of *Dhul-Hijjah* it should be stoned while riding.

Chapter 64. (What Has Been Related About) The Manner Of Stoning The *Jimār*

901. 'Abdur-Raḥmān bin Yazīd narrated: "When 'Abdullāh went to stone *Jamrat Al-'Aqabah*, he went to the middle of the valley, faced the Ka'bah, and proceeded to stone the *Jamrah* at its southern

(المعجم ٦٤) - بَابُ [مَا جَاءَ] كَيْفَ

تُرْمَى الْجِمَارُ (التحفة ٦٤)

٩٠١ - حَدَّثَنَا يُونُسُ بْنُ عِيسَى: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا الْمَسْعُودِيُّ عَنْ جَامِعِ بْنِ شَدَّادٍ أَبِي صَخْرَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ قَالَ: لَمَّا أَتَى عَبْدُ اللَّهِ جَمْرَةَ الْعَقَبَةِ، اسْتَبْطَنَ

wall. Then he stoned with seven pebbles, saying: “*Allāhu Akbar*” with each pebble. Then he said: ‘By Allāh except Whom none is worthy of worship. This is where the one stoned to whom *Sūrat Al-Baqarah* was revealed.’” (*Ṣaḥīḥ*)

Hannād narrated to us: Wakī‘ narrated it to us similarly from Al-Mas‘ūdī, with this chain.

Abū ‘Eīsā said: There are narrations on this topic from Al-Faḍl bin ‘Abbās, Ibn ‘Abbās, Ibn ‘Umar, and Jābir.

Abū ‘Eīsā said: The *Hadīth* of Ibn Mas‘ūd is a *Ḥasan Ṣaḥīḥ Hadīth*. This is acted upon according to the people of knowledge. They preferred that a man stone from the middle of the valley with seven pebbles, saying *Allāhu Akbar* with each pebble. Some of the people of knowledge have permitted – in the case where one can not stone from the middle of the valley—that one stone from wherever one is able, even if it is not in the middle of the valley.

الْوَادِي وَاسْتَقْبَلَ الْكَعْبَةَ وَجَعَلَ يَرْمِي الْجَمْرَةَ عَلَى حَاجِيهِ الْأَيْمَنِ، ثُمَّ رَمَى بِسَبْعِ حَصَيَّاتٍ يُكَبِّرُ مَعَ كُلِّ حَصَاةٍ، ثُمَّ قَالَ: وَاللهِ الَّذِي لَا إِلَهَ إِلَّا هُوَ مِنْ هَهْنَا رَمَى الَّذِي أُنْزِلَتْ عَلَيْهِ سُورَةُ الْبَقَرَةِ.

حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا وَكِيعٌ عَنِ الْمَسْعُودِيِّ بِهَذَا الْإِسْنَادِ نَحْوَهُ.

قَالَ: وَفِي الْبَابِ عَنِ الْفَضْلِ بْنِ عَبَّاسٍ وَابْنِ عَبَّاسٍ وَابْنِ عُمرَ وَجَابِرٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ مَسْعُودٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ يَخْتَارُونَ أَنْ يَرْمِيَ الرَّجُلُ مِنْ بَطْنِ الْوَادِي بِسَبْعِ حَصَيَّاتٍ يُكَبِّرُ مَعَ كُلِّ حَصَاةٍ. وَقَدْ رَخَّصَ بَعْضُ أَهْلِ الْعِلْمِ إِنْ لَمْ يُمْكِنَهُ أَنْ يَرْمِيَ مِنْ بَطْنِ الْوَادِي رَمَى مِنْ حَيْثُ قَدَّرَ عَلَيْهِ وَإِنْ لَمْ يَكُنْ فِي بَطْنِ الْوَادِي.

تخريج: [صحيح] وأخرجه ابن ماجه، المناسك، باب من أين ترمى جمرة العقبة، ح: ٣٠٣٠ من حديث وكيع به وهو متفق عليه [البخاري: ١٧٤٧ ومسلم: ١٢٩٦] من حديث عبدالرحمن بن يزيد به * وفي الباب عن الفضل بن عباس [النسائي، ح: ٣٠٨١ وابن خزيمة، ح: ٢٨٨١، ٢٨٨٧] وابن عباس [النسائي، ح: ٣٠٦١] وابن عمر [تقدم: ٩٠٠] وجابر [مسلم، ح: ١٢١٨].

Comments:

All the scholars and people of knowledge unanimously agree that *Jamrat Al-‘Aqabah* should be stoned with seven pebbles, every pebble thrown separately towards the *Jamrah*, and Ka‘bah should be on the left side, and Minā on the right.

902. ‘Aishah narrated that the Prophet ﷺ said: “Stoning the *Jimār* and *Sa‘ī* between Aṣ-Ṣafā and Al-Marwah

٩٠٢ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ الْجَهْضِيُّ وَعَلِيُّ بْنُ حُشْرَمٍ قَالَا: حَدَّثَنَا عِيسَى بْنُ

are only done for the establishment of Allāh's remembrance.” (*Hasan*)

Abu 'Eisā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

يُونُسَ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي زِيَادٍ، عَنِ الْقَاسِمِ ابْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّمَا جُعِلَ رَمْيُ الْجِمَارِ وَالسَّعْيُ بَيْنَ الصَّفَا وَالْمَرْوَةِ لِإِقَامَةِ ذِكْرِ اللَّهِ».

قَالَ أَبُو عِيسَى: [وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ].

تخريج: [إسناده حسن] وأخرجه أبو داود، المناسك، باب: في الرمل، ح: ١٨٨٨ من حديث عيسى بن يونس به، وصححه ابن خزيمة، ح: ٢٨٨٢، ٢٩٧٠ والحاكم: ٤٥٩/١، والذهبي، ابن أبي زياد وثقه الجمهور وهو حسن الحديث.

Comments:

This narration makes it clear that though stoning the *Jimār* and *Sa'ī* between Aş-Şafa and Al-Marwah apparently do not look like a part of worship, but as it is an order of Allāh ﷻ it is worship, and a way to remember Allāh ﷻ.

Chapter 65. What Has Been Related About It Being Disliked For the People To Crowd When Stoning The *Jimār*

(المعجم ٦٥) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ طَرْدِ النَّاسِ عِنْدَ رَمْيِ الْجِمَارِ (التحفة ٦٥)

903. Qudāmah bin 'Abdullāh said: "I saw the Prophet ﷺ stoning the *Jimār* upon his she-camel; there was no hitting, nor crowding, nor: 'Look out! Look out!'" (*Hasan*)

(He said:) There are narrations on this topic from 'Abdullāh bin Hanzalah.

Abū 'Eisā said: The *Hadīth* of Qudāmah bin 'Abdullāh is a *Hasan Ṣaḥīḥ Hadīth*. This *Hadīth* is only known from this route, and it is a *Hasan Ṣaḥīḥ Hadīth*.

Ayman bin Nābil (a narrator) is trustworthy according to the people of *Hadīth*.

٩٠٣ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ عَنْ أَيْمَنَ بْنِ نَابِلٍ، عَنْ قُدَامَةَ بْنِ عَبْدِ اللَّهِ قَالَ: رَأَيْتُ النَّبِيَّ ﷺ يَرْمِي الْجِمَارَ عَلَى نَاقَةٍ لَيْسَ ضَرْبٌ وَلَا طَرْدٌ وَلَا إِلَيْكَ إِلَيْكَ.

[قَالَ:] وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ حَنْظَلَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ قُدَامَةَ بْنِ عَبْدِ اللَّهِ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَإِنَّمَا يُعْرَفُ هَذَا الْحَدِيثُ مِنْ هَذَا الْوَجْهِ، وَهُوَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَأَيْمَنُ بْنُ نَابِلٍ هُوَ ثِقَةٌ عِنْدَ أَهْلِ الْحَدِيثِ.

تخريج: [حسن] وأخرجه ابن ماجه، المناسك، باب رمي الجمار راكبًا، ح: ٣٠٣٥ والنسائي: ٢٧٠/٥، ح: ٣٠٦٣ من حديث أيمن بن نابل به وصححه ابن خزيمة: ٢٧٨/٤، ح: ٢٨٧٨ والحاكم على شرط البخاري: ٤٦٦/١ ووافقه الذهبي * وفي الباب عن عبدالله بن حنظلة [العقيلي في الضعفاء: ١/٢٢٨].

Comments:

The Prophet's ﷺ practice and way of the stoning the *Jimār* shows that it should be done with grace and in a dignified manner. There should be no pushing and pressing others to make room for oneself.

Chapter 66. What Has Been Related About Sharing In *Badanah* (Sacrificial Camels) and Cows

904. Jābir narrated: “We slaughtered with the Messenger of Allāh ﷺ during the year of Al-Hudaibiyah: a cow for seven, and a *Badanah* for seven.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ibn ‘Umar, Abū Hurairah, ‘Āishah, and Ibn ‘Abbās.

Abū ‘Eīsā said: The *Ḥadīth* of Jābir is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. They saw that seven could share in one sacrificial camel, and seven could share in one cow. This is the view of Sufyān Ath-Thawrī, Ash-Shāfi‘ī, and Aḥmad. It has been reported from Ibn ‘Abbās, from the Prophet ﷺ: “Seven on a cow, and ten on a sacrificial camel.” This is the view of Ishāq who argued using this *Ḥadīth*. We only know of the *Ḥadīth* of Ibn ‘Abbās from one route.

(المعجم ٦٦) - بَابُ مَا جَاءَ فِي الِاشْتِرَاكِ فِي الْبَدَنَةِ وَالْبَقَرَةِ (التحفة ٦٦)

٩٠٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: نَحَرْنَا مَعَ رَسُولِ اللَّهِ ﷺ عَامَ الْحُدَيْبِيَةِ الْبَقَرَةَ عَنْ سَبْعَةٍ، وَالْبَدَنَةَ عَنْ سَبْعَةٍ.

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عُمَرَ وَأَبِي هُرَيْرَةَ وَعَائِشَةَ وَابْنِ عَبَّاسٍ.

قَالَ أَبُو عِيْسَى: حَدِيثُ جَابِرٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ يَرَوْنَ الْجَزُورَ عَنْ سَبْعَةٍ، وَالْبَقَرَةَ عَنْ سَبْعَةٍ. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالشَّافِعِيِّ وَأَحْمَدَ. وَرَوَى عَنِ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ: «أَنَّ الْبَقَرَةَ عَنْ سَبْعَةٍ، وَالْجَزُورَ عَنْ عَشْرَةٍ». وَهُوَ قَوْلُ إِسْحَاقَ وَاحْتَجَّ بِهَذَا الْحَدِيثِ. وَحَدَّثَ ابْنُ عَبَّاسٍ إِنَّمَا نَعْرِفُهُ مِنْ وَجْهِ وَاحِدٍ.

تخريج: وأخرجه مسلم، الحج، باب جواز الاشتراك في الهدي ... إلخ، ح: ١٣١٨ من حديث مالك به وهو في الموطأ: ٤٨٦/٢ (يحيى) * وفي الباب عن ابن عمر [لم نجده] وأبي هريرة

[أبو داود، ح: ١٧٥١ وابن ماجه، ح: ٣١٣٣] وعائشة [أبو داود، ح: ١٧٥٠ وابن ماجه، ح: ٣١٣٥] وابن عباس [يأتي: ٩٠٥].

905. Ibn ‘Abbās narrated: “We were with the Prophet ﷺ on a journey (on the Day of) *Adhā*, so seven of us shared in a cow, and ten for a camel.” (*Hasan*)

Abū ‘Eisā said: This *Hadīth* is *Hasan Gharīb*, it is a narration of Ḥusain bin Wāqid.

٩٠٥ - حَدَّثَنَا الْحُسَيْنُ بْنُ حُرَيْثٍ وَغَيْرُ وَاحِدٍ قَالُوا: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى عَنْ حُسَيْنِ بْنِ وَاقِدٍ، عَنْ عَلْبَاءِ بْنِ أَحْمَرَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: كُنَّا مَعَ النَّبِيِّ ﷺ فِي سَفَرٍ فَحَضَرَ الْأَضْحَى فَاشْتَرَكْنَا فِي الْبَقَرَةِ سَبْعَةً وَفِي الْجَزُورِ عَشْرَةً.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ وَهُوَ حَدِيثُ حُسَيْنِ بْنِ وَاقِدٍ.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، الأضاحي، باب: عن كم تجزئ البدنة والبقرة، ح: ٣١٣١ والنسائي: ٢٢٢/٧، ح: ٤٣٩٧ من حديث الفضل بن موسى به وصححه ابن خزيمة، ح: ٢٩٠٨ وابن حبان (الإحسان): ٣٩٩٦.

Comments:

“*Badanah*” means a fat and well nourished cow or a camel. Imām Abū Ḥanīfah, Shafi’i, Aḥmad, Al-Auzā’i, Ath-Thawrī and many Companions of the Prophet ﷺ and the followers of the Companions say that seven persons can share a cow or camel for sacrifice. Sa’eed bin Al-Musayyab and Ishāq are of the opinion that seven person can share a cow and ten persons can share a camel. (*Al-Mughnī* v.13, p. 363-364.)

Chapter 67. What Has Been Related About Marking The *Budn* (Sacrificial Camels)

906. Ibn ‘Abbās narrated: “The Prophet ﷺ garlanded two sandals and marked the *Hadī* on the right side at *Dhul-Hulaifah*, and removed the blood from it.” (*Ṣaḥīḥ*)

(He said:) There is something on this topic from Al-Miswar bin Makhramah.

Abū ‘Eisā said: The *Hadīth* of Ibn ‘Abbās is a *Hasan Ṣaḥīḥ Hadīth*.

(المعجم ٦٧) - بَابُ مَا جَاءَ فِي إِشْعَارِ الْبُذْنِ (التحفة ٦٧)

٩٠٦ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا وَكِيعٌ عَنْ هِشَامِ الدَّسْتَوَائِيِّ، عَنْ قَتَادَةَ، عَنْ أَبِي حَسَّانِ الْأَعْرَجِ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ قَلَّدَ نَعْلَيْنِ وَأَشْعَرَ الْهَدْيَ فِي الشَّقِّ الْأَيْمَنِ بِذِي الْحُلَيْفَةِ وَأَمَاطَ عَنْهُ الدَّمَ.

[قَالَ:] وَفِي الْبَابِ عَنِ الْمِسْوَرِ بْنِ مَخْرَمَةَ.

Abū Ḥassān Al-A'raj's name is Muslim.

This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. They held the view that (the animal) should be marked. This is the view of Ath-Thawrī, Ash-Shāfi'ī, Aḥmad, and Ishāq.

He said: I heard Yūsuf bin 'Eisā saying: "I heard Waki' saying – when he reported this *Ḥadīth* – 'Do not consider the saying of the people of opinion about this, for marking is a *Sunnah* and their saying is an innovation."

He said: I heard Abū As-Sā'ib saying: "We were with Waki' when he said to a man with him who considered the opinions: 'The Messenger of Allāh ﷺ marked, and Abū Ḥanifah said that doing so is mutilation.' The man said: 'It has been reported from Ibrāhīm An-Nakha'ī that he said marking is mutilation.' I saw Waki' becoming severely angry and he said: 'I tell you that the Messenger of Allāh ﷺ said, and you say Ibrāhīm said? You deserve to be imprisoned and not let out until you leave this saying of yours.'" (*Ṣaḥīh*)

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَأَبُو حَسَّانَ الْأَعْرَجُ اسْمُهُ مُسْلِمٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ يَرَوْنَ الْإِشْعَارَ وَهُوَ قَوْلُ الثَّوْرِيِّ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ، قَالَ: سَمِعْتُ يُوسُفَ بْنَ عِيسَى يَقُولُ: سَمِعْتُ وَكِيعًا يَقُولُ – حِينَ رَوَى هَذَا الْحَدِيثَ – فَقَالَ: لَا تَنْظُرُوا إِلَى قَوْلِ أَهْلِ الرَّأْيِ فِي هَذَا، فَإِنَّ الْإِشْعَارَ سُنَّةٌ، وَقَوْلُهُمْ بِذَعَةٍ. قَالَ: وَسَمِعْتُ أَبَا السَّائِبِ يَقُولُ: كُنَّا عِنْدَ وَكِيعٍ فَقَالَ لِرَجُلٍ عِنْدَهُ مِمَّنْ يَنْظُرُ فِي الرَّأْيِ: أَشْعَرَ رَسُولُ اللَّهِ ﷺ وَيَقُولُ أَبُو حَنِيفَةَ هُوَ مَثَلَةٌ. قَالَ الرَّجُلُ: فَإِنَّهُ قَدْ رَوَى عَنْ إِبْرَاهِيمَ النَّخَعِيِّ أَنَّهُ قَالَ الْإِشْعَارُ مَثَلَةٌ. قَالَ: فَرَأَيْتَ وَكِيعًا غَضِبَ غَضَبًا شَدِيدًا وَقَالَ: أَقُولُ لَكَ قَالَ رَسُولُ اللَّهِ ﷺ وَيَقُولُ قَالَ إِبْرَاهِيمُ؟ مَا أَحَقَّكَ بِأَنْ تُحْبَسَ ثُمَّ لَا تَخْرُجَ حَتَّى تَنْزِعَ عَنْ قَوْلِكَ هَذَا.

تخريج: وأخرجه مسلم، الحج، باب إشعار البدن وتقليده عند الإحرام، ح: ١٢٤٣ من حديث هشام الدستوائي به * وفي الباب عن المسور بن مخرمة [البخاري، ح: ٢٧٣١، ٢٧٣٢] * قول الإمام وكيع: "لا تنظروا... إلخ" سنده صحيح، وكذا قوله في إبراهيم وغيره صحيح ثابت عنه.

Comments:

Qalādah means to garland a sacrificial animal with two sandals around the neck, to make it public that this animal is for sacrifice, and no one should harm it. The second sign is to mark the camel on the right side. This marking is called *Ish'ār*.

Chapter 68. (Purchasing the *Hadī*)

907. Ibn ‘Umar narrated: “The Prophet ﷺ purchased his *Hadī* in Qudaid.” (*Da‘īf*)

Abū ‘Eīsā said: This *Hadīth* is *Gharīb*, we do not know of it as a *Hadīth* of Ath-Thawrī except from the narration of Yaḥya bin Al-Yamān. It has been reported from Nāfi‘ that Ibn ‘Umar purchased his *Hadī* from Qudaid.

Abū ‘Eīsā said: This is more correct.

(المعجم ٦٨) - بَابُ [اِشْتِرَاءِ الْهَدْيِ]

(التحفة ٦٨)

٩٠٧ - حَدَّثَنَا قُتَيْبَةُ وَأَبُو سَعِيدٍ الْأَشْجَعُ قَالَا: حَدَّثَنَا [يَحْيَى] بْنُ الْيَمَانِ عَنْ سُفْيَانَ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ اشْتَرَى هَدْيَهُ مِنْ قُدَيْدٍ. قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ لَا نَعْرِفُهُ مِنْ حَدِيثِ الثَّوْرِيِّ إِلَّا مِنْ حَدِيثِ يَحْيَى بْنِ الْيَمَانِ. وَرَوَى عَنْ نَافِعٍ: أَنَّ ابْنَ عُمَرَ اشْتَرَى مِنْ قُدَيْدٍ. قَالَ أَبُو عِيسَى: وَهَذَا أَصَحُّ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، المناسك، باب الهدي يساق من دون الميقات، ح: ٣١٠٢ من حديث يحيى بن اليمان به * سفيان الثوري عن نافع وفيه علة أخرى.

Comments:

It is unanimously agreed that the Prophet ﷺ brought his *Hadī* (animal for sacrifice) from Al-Madīnah. This event is related to Ibn ‘Umar and it proves that a *Hadī* can be bought on the way during travel.

Chapter 69. What Has Been Related About Garlanding The *Hadī* For The Resident^[1]

908. ‘Āishah narrated: “I twisted the garlands for the *Hadī* of the Prophet ﷺ, then he did not assume *Ihrām*, nor did he avoid any clothing.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Hadīth* is *Ḥasan Ṣaḥīḥ*. This is acted upon according to some of the people of knowledge, they said that when a man garlands his *Hadī*, and he intends to perform Hajj, no

(المعجم ٦٩) - بَابُ مَا جَاءَ فِي تَقْلِيدِ

الْهَدْيِ لِلْمُقِيمِ (التحفة ٦٩)

٩٠٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أَنَّهَا قَالَتْ: فَتَلْتُ فَلَائِدَ هَذِي رَسُولِ اللَّهِ ﷺ ثُمَّ لَمْ يُحْرَمْ وَلَمْ يَتْرُكْ شَيْئًا مِنَ الثِّيَابِ. قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ

^[1] Meaning, one who has not yet entered a state of *Ihrām*.

clothing or perfume is unlawful for him until he assumes *Ihrām*. Some of the people of knowledge said that when a man garlands the *Hadī*, then whatever is required of the *Muḥrim* is required from him.

الْعِلْمُ، قَالُوا: إِذَا قَلَّدَ الرَّجُلُ الْهَدْيَ وَهُوَ يُرِيدُ الْحَجَّ لَمْ يَحْرُمَ عَلَيْهِ شَيْءٌ مِنَ الثِّيَابِ وَالطِّيبِ حَتَّى يُحْرِمَ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: إِذَا قَلَّدَ الرَّجُلُ الْهَدْيَ فَقَدْ وَجَبَ عَلَيْهِ مَا وَجَبَ عَلَى الْمُحْرِمِ.

تخريج: متفق عليه، أخرجه مسلم، الحج، باب استحباب بعث الهدى إلى الحرم... إلخ، ح: ٣٦١/١٣٢١ من حديث عبدالرحمن بن القاسم البخاري، الحج، باب من أشعر وقلد بذى الحليفة ثم أحرَم، ح: ١٦٩٦ من حديث القاسم بن محمد به.

Comments:

Most of the scholars and people of knowledge are of the opinion that if someone garlands his *Hadī* and sends it to the *Haram*, he is not a *Muḥrim* until he puts on *Ihrām*.

Chapter 70. What Has Been Related About Garlanding Sheep^[1]

(المعجم ٧٠) - بَابُ مَا جَاءَ فِي تَقْلِيدِ الْغَنَمِ (التحفة ٧٠)

909. 'Āishah narrated: "I twisted the garlands for all of the *Hadī* of the Messenger of Allāh ﷺ, which were sheep, then he did not assume *Ihrām*." (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Hadīth* is *Ḥasan Ṣaḥīḥ*. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others, they held the view that one is to garland sheep.

٩٠٩ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: كُنْتُ أَقْبِلُ فَلَائِدَ هَدْيِ رَسُولِ اللَّهِ ﷺ كُلَّهَا غَنَمًا ثُمَّ لَا يُحْرِمُ. قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ يَرَوْنَ تَقْلِيدَ الْغَنَمِ.

تخريج: متفق عليه، وأخرجه البخاري، الحج، باب تقليد الغنم، ح: ١٧٠٣ من حديث سفیان الثوري به ومسلم، ح: ١٣٢١ من حديث منصور به.

Comments:

According to Imām Nawawī, most of the people of knowledge are of the opinion that the sheep too should be garlanded.

^[1] *Al-Ghanam* is used for goat and sheep.

Chapter 71. What Has Been Related About What Is Done With The *Hadī* When It Is Afflicted

910. Nājiyah Al-Khuzā'ī (the Companion of the Messenger of Allāh ﷺ) said: "I said: 'O Messenger of Allāh! What should be done with the afflicted among the *Hadī*?' He said: 'Slaughter them, then dip their sandals in their blood, then leave them so that the people can eat them.'" (*Ṣaḥīḥ*)

There is something on this topic from Dhu'aib Abū Qabīṣah Al-Khuzā'ī.

Abū 'Eisā said: The *Hadīth* of Nājiyah is a *Ḥasan Ṣaḥīḥ Hadīth*. This is acted upon according to the people of knowledge they say – in the case of the voluntary *Hadī* – when it is afflicted: Neither he nor any people in his group eat from it, and he is to leave it behind so that the people can eat it, then that is acceptable. This is the saying of Ash-Shāfi'ī, Aḥmad, and Ishāq. And they said that if he eats something from it, he is to pay (charity) according to the amount he ate from it. Some of the people of knowledge said that when he eats something from a voluntary *Hadī* then he is liable.

تخريج: [إسناده صحيح] وأخرجه أبو داود، الحج، باب الهدي إذا عطب قبل أن يبلغ، ح: ١٧٦٢ وابن ماجه، ح: ٣١٠٦ من حديث هشام بن عروة به وصححه ابن خزيمة، ح: ٢٥٧٧ وابن حبان، ح: ٩٧٦ والحاكم: ٤٤٧/١ على شرط الشيخين ووافقه الذهبي * وفي الباب عن ذؤيب أبي قبيصة الخزاعي [ابن ماجه، ح: ٣١٠٥ وابن خزيمة، ح: ٢٥٧٨].

Comments:

If somebody takes his *Hadī* with him and on the way it is near to its death, it should be slaughtered before its death and its sandals should be dipped in the

(المعجم ٧١) - بَابُ مَا جَاءَ إِذَا عَطِبَ
الْهَدْيُ مَا يُضْنَعُ بِهِ (التحفة ٧١)

٩١٠ - حَدَّثَنَا هَارُونُ بْنُ إِسْحَاقَ
الْهَمْدَانِيُّ: حَدَّثَنَا عَبْدُ بْنُ سُلَيْمَانَ عَنْ هِشَامِ
ابْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ نَاجِيَةَ الْخَزَاعِيِّ
[صَاحِبِ رَسُولِ اللَّهِ ﷺ] قَالَ: قُلْتُ: يَا
رَسُولَ اللَّهِ، كَيْفَ أَضْنَعُ بِمَا عَطِبَ مِنَ
الْهَدْيِ؟ قَالَ: «انْحَرُهَا ثُمَّ اغْمِسْ نَعْلَهَا فِي
دِمِهَا ثُمَّ خَلِّ بَيْنَ النَّاسِ وَيَبْنِهَا فَيَأْكُلُوهَا».
وَفِي الْبَابِ عَنْ ذُوَيْبِ أَبِي قَبِيصَةَ
الْخَزَاعِيِّ.

قَالَ أَبُو عِيسَى: حَدِيثُ نَاجِيَةَ حَدِيثٌ
حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ
الْعِلْمِ قَالُوا - فِي هَذِهِ التَّطَوُّعِ: إِذَا عَطِبَ -
: لَا يَأْكُلُ هُوَ وَلَا أَحَدٌ مِنْ أَهْلِ رَفَقَتِهِ
وَيُخَلِّي بَيْنَهُ وَيَبْنِ النَّاسِ يَأْكُلُونَهُ، وَقَدْ أَجْزَأَ
عَنْهُ. وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ
وَقَالُوا: إِنْ أَكَلَ مِنْهُ شَيْئًا غَرِمَ يَقْدِرَ مَا أَكَلَ
مِنْهُ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ إِذَا أَكَلَ مِنْ
هَذِهِ التَّطَوُّعِ شَيْئًا فَقَدْ ضَمِنَ [الَّذِي أَكَلَ].

blood to make it clear to the people that this animal is *Hadī* and they can eat it. The owner of the *Hadī* and his companions are not allowed to eat from *Hadī*. If this *Hadī* is voluntary, there is no need to slaughter another animal, but if this sacrifice is obligatory, another *Hadī* must be given in *Hajj*.

Chapter 72. What Has Been Related About Riding The *Badanah*

911. Anas bin Mālik narrated that the Prophet ﷺ saw a man driving his *Badanah* so he said to him: "Ride it." He said: "O Messenger of Allāh! It is a *Badanah*." So on the third or fourth time he said to him: "Ride it. And woe to you!" (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from 'Alī, Abū Hurairah, and Jābir.

Abū 'Eīsā said: The *Hadīth* of Anas is a *Ḥasan Ṣaḥīḥ Hadīth*. Some of the people of knowledge among the Companions of the Prophet ﷺ and others, permitted riding the *Badanah* when there is a need for it. This is the view of *Ash-Shāfi'i*, *Aḥmad*, and *Ishāq*.

Some of them said that it is not to be ridden if it is not necessary.

تخريج: متفق عليه، وأخرجه البخاري، الوصايا، باب هل ينتفع الواقف بوقفه، ح: ٢٧٥٤ عن قتبية ومسلم، ح: ١٣٢٣ من طريق آخر من حديث أنس به، وفي الباب عن علي [أبو داود، ح: ١٧٦٤] وأبي هريرة [البخاري، ح: ٢٧٥٥ ومسلم، ح: ١٣٢٢] وجابر [مسلم، ح: ١٣٢٤].

Chapter 73. What Has Been Related About Which Side Of The Head To Begin With For Shaving

912. Anas bin Mālik narrated: "When the Messenger of Allāh ﷺ stoned the *Jamrah*, he slaughtered his sacrifice, then he presented the

(المعجم ٧٢) - بَابُ مَا جَاءَ فِي رُكُوبِ
الْبَدَنَةِ (التحفة ٧٢)

٩١١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ قَتَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ النَّبِيَّ ﷺ رَأَى رَجُلًا يَسُوقُ بَدَنَةً فَقَالَ لَهُ: «ارْكَبْهَا»، فَقَالَ: يَا رَسُولَ اللَّهِ إِنَّهَا بَدَنَةٌ، فَقَالَ لَهُ فِي الثَّالِثَةِ أَوْ فِي الرَّابِعَةِ: «ارْكَبْهَا وَيَحَكَ» أَوْ «وَيْلَكَ».

[قَالَ:] وَفِي الْبَابِ عَنْ عَلِيٍّ وَأَبِي هُرَيْرَةَ وَجَابِرٍ.
قَالَ أَبُو عِيسَى: حَدِيثُ أَنَسٍ حَدِيثٌ صَحِيحٌ حَسَنٌ وَقَدْ رَخَّصَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ فِي رُكُوبِ الْبَدَنَةِ إِذَا احتَاجَ إِلَى ظَهَرِهَا. وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ. وَقَالَ بَعْضُهُمْ: لَا يَرْكَبُ مَا لَمْ يُضْطَرَّ إِلَيْهَا.

(المعجم ٧٣) - بَابُ مَا جَاءَ بِأَيِّ جَانِبِ
الرَّأْسِ يَبْدَأُ فِي الْحَلْقِ (التحفة ٧٣)

٩١٢ - حَدَّثَنَا أَبُو عَمَارٍ [الْحُسَيْنُ بْنُ حُرَيْثٍ]: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ هِشَامِ ابْنِ حَسَّانَ، عَنِ ابْنِ سِيرِينَ، عَنْ أَنَسِ بْنِ

barber the right side (of his head) and he shaved it, then he gave (the hair) to Abū Ṭalḥah. Then he presented the left side to him and he shaved it. Then he said: 'Divide it (the hair) among the people.'

Ibn Abī 'Umar narrated to us: Sufyān bin 'Uyainah narrated similar to us, from Hishām.

(Abū 'Eīsā said:) This *Hadīth* is *Hasan* (*Ṣaḥīḥ*).

مَا لِكَ قَالَ: لَمَّا رَمَى رَسُولُ اللَّهِ ﷺ الْجَمْرَةَ نَحَرَ نُسْكَهُ ثُمَّ نَاوَلَ الْحَالِقَ شِقَّهُ الْأَيْمَنَ فَحَلَقَهُ فَأَعْطَاهُ أَبَا طَلْحَةَ، ثُمَّ نَاوَلَهُ شِقَّهُ الْأَيْسَرَ فَحَلَقَهُ فَقَالَ: «اقْسِمُهُ بَيْنَ النَّاسِ».

حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ هِشَامٍ نَحْوَهُ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ [صَحِيحٌ].

تخريج: وأخرجه مسلم، الحج، باب بيان أن السنة يوم النحر أن يرمي ثم ينحر ... إلخ، ح: ٣٢٦/١٣٠٥ من حديث سفيان بن عيينة، والبخاري، ح: ١٦٩ من طريق آخر عن أنس به.

Comments:

According to Imām Nawawī, and in view of many other scholars, shaving the head should be started from the right side, and it is *Sunnah* of the Prophet ﷺ, Imām Abū Ḥanīfah is of the opinion that shaving should be started from the left side. (*Ṣaḥīḥ Muslim/Nawawī* v.1. p.421). According to 'Allamah Ibn 'Ābidīn, Imām Abū Ḥanīfah changed his view after knowing the narration. If a barber shaves the head while standing behind a person, both of them will have their right side on the right, but if the barber shaves the head while standing in front of the person, the barber's right will be the persons' left. (*Ma'ārif As-Sunan* v. 6. p.275.)

Chapter 74. What Has Been Related About Shaving, And About Shortening

913. Ibn 'Umar narrated that the Messenger of Allāh ﷺ said: "May Allāh have mercy upon those who shaved" saying it one or two times, then he said: "And those who shortened." (*Ṣaḥīḥ*)

He said: There are narrations on this topic from Ibn 'Abbās, Ibn Umm Al-Ḥusain, Mārib, Abū Sa'eed, Abū Mariam, Ḥubshī bin Junādah, and Abū Hurairah.

(المعجم ٧٤) - بَابُ مَا جَاءَ فِي الْحَلْقِ

وَالْتَقْصِيرِ (التحفة ٧٤)

٩١٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: حَلَقَ رَسُولُ اللَّهِ ﷺ وَحَلَقَ طَائِفَةً مِنْ أَصْحَابِهِ وَقَصَّرَ بَعْضُهُمْ قَالَ ابْنُ عُمَرَ: إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «رَحِمَ اللَّهُ الْمُحَلِّقِينَ» مَرَّةً أَوْ مَرَّتَيْنِ ثُمَّ قَالَ: «وَالْمُقَصِّرِينَ».

قَالَ: وَفِي الْبَابِ عَنْ ابْنِ عَبَّاسٍ وَابْنِ أُمِّ الْحُصَيْنِ وَمَارِبَ وَأَبِي سَعِيدٍ وَأَبِي مَرْثَمَ وَحُبْشِيِّ بْنِ جُنَادَةَ وَأَبِي هُرَيْرَةَ.

He said: This *Hadīth* is *Hasan Sahīh*. This is acted upon according to the people of knowledge. They prefer that a man shave his head, and if he shortens (his hair instead) then they consider that it is acceptable. This is the view of *Sufyān Ath-Thawrī*, *Ash-Shāfi'i*, *Aḥmad*, and *Ishāq*.

قَالَ [أَبُو عِيسَى]: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ يَخْتَارُونَ لِلرَّجُلِ أَنْ يَخْلُقَ رَأْسَهُ وَإِنْ قَصَرَ، يَرَوْنَ أَنَّ ذَلِكَ يُجْزَى عَنْهُ. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ.

تخريج: متفق عليه، وأخرجه مسلم، الحج، باب تفضيل الحلق على التقصير وجواز التقصير، ح: ١٣٠١ عن قتيبة والبخاري، الحج، باب الحلق والتقصير عند الإحلال، ح: ١٧٢٧ من حديث الليث بن سعد به * وفي الباب عن ابن عباس [ابن ماجه، ح: ٣٠٤٥] وأم الحصين [مسلم، ح: ١٣٠٣] ومارب [أحمد: ٦/٣٩٣ والحميدي، ح: ٩٣١] وأبي سعيد [أحمد: ٣/٢٠، ٨٩] وأبي مريم (مالك بن ربيعة) [أحمد: ٤/١٧٧] وحشي بن جنادة [أحمد: ٤/١٦٥] وأبي هريرة [البخاري، ح: ١٧٢٨ ومسلم، ح: ١٣٠٢].

Comments:

All scholars agree that shaving of head is recommended and hair cutting (shortening of hair) is also approved. According to scholars, cutting the hair or shaving the head is a part of *Umrah* and *Hajj*, and without it *Hajj* or *Umrah* is not complete.

Chapter 75. What Has Been Related About It Being Disliked For Women To Shave

(المعجم ٧٥) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ الْحَلْقِ لِلنِّسَاءِ (التحفة ٧٥)

914. ‘Alī narrated: “The Messenger of Allāh ﷺ prohibited that a woman should shave her head.” (*Hasan*)

٩١٤ - حَدَّثَنَا مُحَمَّدُ بْنُ مُوسَى الْجُرَشِيُّ الْبَصْرِيُّ: حَدَّثَنَا أَبُو دَاوُدَ الطَّيَالِسِيُّ: حَدَّثَنَا هَمَّامٌ عَنْ قَتَادَةَ، عَنْ خِلَاسِ بْنِ عَمْرٍو، عَنْ عَلِيٍّ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ أَنْ تَحْلِقَ الْمَرْأَةُ رَأْسَهَا.

تخريج: [حسن] وأخرجه النسائي: ٨/١٣٠، ح: ٥٠٥٢ (الزينة، باب النهي عن حلق المرأة رأسها) عن محمد بن موسى به وللحديث شواهد عند أبي داود، ح: ١٩٨٥ وغيره.

915. (Another chain) with similar (as no. 914) from *Khilās*, but he did not mention “from ‘Alī.” (*Hasan*)

Abū ‘Eisā said: There is confusion

٩١٥ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبُو دَاوُدَ عَنْ هَمَّامٍ، عَنْ خِلَاسٍ نَحْوَهُ وَلَمْ يَذْكُرْ فِيهِ: عَنْ عَلِيٍّ.

(*Idtirāb*) in the *Hadīth* of ‘Alī. This *Hadīth* was reported from Hammād bin Salamah, from Qatādah, from ‘Āishah: “The Prophet ﷺ prohibited that a woman should shave her head.”

This is acted upon according to the people of knowledge; they do not think that a woman is to shave, and they hold the view that she is to shorten.

قَالَ أَبُو عِيسَى: حَدِيثُ عَلِيٍّ فِيهِ اضْطِرَابٌ. وَرَوَى هَذَا الْحَدِيثَ عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ قَتَادَةَ، عَنْ عَائِشَةَ: أَنَّ النَّبِيَّ ﷺ نَهَى أَنْ تَحْلِقَ الْمَرْأَةُ رَأْسَهَا. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ لَا يَرَوْنَ عَلَى الْمَرْأَةِ حَلْقًا، وَيَرَوْنَ أَنَّ عَلَيْهَا التَّقْصِيرَ.

تخريج: [حسن] انظر الحديث السابق.

Comments:

All scholars agree that a woman is not allowed to shave her head, she is allowed to shorten her hair only.

Chapter 76. What Has Been Related About One Who Shaved Before He Slaughtered, Or Offered The Sacrifice Before He Stoned

(المعجم ٧٦) - بَابُ مَا جَاءَ فِيْمَنْ حَلَقَ قَبْلَ أَنْ يَذْبَحَ أَوْ نَحَرَ قَبْلَ أَنْ يَرْمِيَ (التحفة ٧٦)

916. ‘Abdullāh bin ‘Amr narrated: “A man asked the Messenger of Allāh ﷺ: ‘I shaved before slaughtering.’ So he said: ‘Slaughter, and there is no harm.’ Another man asked him: ‘I performed the sacrifice before stoning.’ He said: ‘Stone, and there is no harm.’” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from ‘Alī, Jābir, Ibn ‘Abbās, Ibn ‘Umar, and Usāmah bin Sharik.

٩١٦ - حَدَّثَنَا سَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ الْمُخْزُومِيُّ وَابْنُ أَبِي عُمَرَ قَالَا: أَخْبَرَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ عِيسَى بْنِ طَلْحَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو: أَنَّ رَجُلًا سَأَلَ رَسُولَ اللَّهِ ﷺ [فَلَقَالَ: حَلَقْتُ قَبْلَ أَنْ أَذْبَحَ: فَقَالَ: «أَذْبَحْ وَلَا حَرَجَ»، وَسَأَلَهُ آخَرُ فَقَالَ: نَحَرْتُ قَبْلَ أَنْ أَرْمِيَ قَالَ: «ارْمِ وَلَا حَرَجَ».

Abū ‘Eīsā said: The *Hadīth* of ‘Abdullāh bin ‘Amr is a *Hasan Ṣaḥīḥ Hadīth*. This is acted upon according to most of the people of knowledge. It is the view of Aḥmad and Ishāq. Some of the people of knowledge said when one performs a rite before another rite (out of

[قَالَ:] وَفِي الْبَابِ عَنْ عَلِيٍّ وَجَابِرِ وَابْنِ عَبَّاسٍ وَابْنِ عُمَرَ وَأَسَامَةَ بْنِ شَرِيكٍ. قَالَ أَبُو عِيسَى: حَدِيثُ عَبْدِ اللَّهِ بْنِ عَمْرٍو حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ.

order) then he is required to (offer a sacrifice).

وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ إِذَا قَدَّمَ نُسْكَاً قَبْلَ نُسْكِ فَعَلَيْهِ دَمٌ.

تخريج: متفق عليه، وأخرجه مسلم، الحج، باب جواز تقديم الذبح على الرمي ... إلخ، ح: ٣٣١/١٣٠٦ من حديث سفيان بن عيينة والبخاري، ح: ١٧٣٧ من حديث الزهري به * وفي الباب عن علي [تقدم: ٨٨٥] وجابر [ابن ماجه، ح: ٣٠٥٢] وابن عباس [البخاري، ح: ١٧٢٣] ومسلم، ح: ١٣٠٧ وابن عمر [لعله يشير إلى حديث النسائي في الكبرى: ٤٢٩/٢، ح: ٤٠٣٧ وأحمد: ٣٣/٢، أو حديث البخاري، ح: ١٦٧٦ ومسلم، ح: ١٢٩٥، أو حديث البزار (كشف): ٣٢/٢، ح: ١١٣٩] وأسامة بن شريك [أبو داود، ح: ٢٠١٥ وابن خزيمة، ح: ٢٩٥٥].

Comments:

A detailed explanation has been given in Chapter 54.

Chapter 77. What Has Been Related About Using Perfume When Ending *Ihrām* Before The Visiting^[1]

(المعجم ٧٧) - بَابُ مَا جَاءَ فِي الطِّيبِ عِنْدَ الْإِحْلَالِ قَبْلَ الزِّيَارَةِ (التحفة ٧٧)

917. ‘Āishah narrated: “I put perfume with musk in it on the Messenger of Allāh ﷺ before he assumed *Ihrām*, and on the Day of *An-Nahr* before he performed *Tawāf* around the House.” (*Ṣaḥīḥ*)

There is something related to this from Ibn ‘Abbās.

Abū ‘Eīsā said: The *Ḥadīth* of ‘Āishah is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others. They held the view that when the *Muḥrim* stones *Jamrat Al-Aqabah* on the Day of *An-Nahr*, and he slaughters and shaves – or shortens (his hair) – then everything is lawful for him that was previously unlawful except for (relations with) women. This is

٩١٧ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا هُشَيْمٌ: حَدَّثَنَا مَنُصُورٌ [بِعْنِي] ابْنُ رَازَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: طَيَّبْتُ رَسُولَ اللَّهِ ﷺ قَبْلَ أَنْ يُحْرِمَ وَيَوْمَ النَّحْرِ قَبْلَ أَنْ يَطُوفَ بِالْبَيْتِ بِطِيبٍ فِيهِ مُسْكٌ.

وفي الباب عن ابن عباس. قال أبو عيسى: حديث عائشة حديث حسن صحيح. والعمل على هذا عند أكثر أهل العلم من أصحاب النبي ﷺ وغيرهم يزعمون أن المَحْرِمَ إِذَا رَمَى جَمْرَةَ الْعَبَةِ يَوْمَ النَّحْرِ وَذَبَحَ وَحَلَقَ أَوْ قَصَرَ، فَقَدْ حَلَّ لَهُ كُلُّ شَيْءٍ حَرُمَ عَلَيْهِ إِلَّا النِّسَاءَ. وَهُوَ قَوْلُ

^[1] That is, before returning to perform *Tawāf* around the Ka'bah.

the saying of Ash-Shāfi'i, Aḥmad, and Ishāq.

It has been reported that 'Umar bin Al-Khaṭṭāb said: "Everything is lawful for him except for women and perfume." Some of the people of knowledge, among the Companions of the Prophet ﷺ and others, followed this; and it is the view of the people of Al-Kūfah.

تخريج: متفق عليه، وأخرجه مسلم، الحج، باب استحباب الطيب قبيل الإحرام في البدن ... الخ، ح: ١١٩١ عن أحمد بن منيع والبخاري، الحج، باب الطيب عند الإحرام ... الخ، ح: ١٥٣٩ من حديث عبدالرحمن بن القاسم به * وفي الباب عن ابن عباس [ابن ماجه، ح: ٣٠٤١] * أثر عمر رضي الله عنه ... الخ؟

Comments:

Most scholars are of the opinion that use of perfume before assuming *Ihrām* is allowed, and also allowed before the *Tawāf* around the House on the Day of *An-Nahr*. The *Ahnāf* are also of the same opinion.

Chapter 78. What Has Been Related About Discontinuing The *Talbiyah* During *Hajj*

918. Al-Faḍl bin 'Abbās narrated: "I was a companion rider with the Messenger of Allāh ﷺ from Jam' to Minā. He did not cease saying the *Talbiyah* until stoning *Jamrat Al-'Aqabah*." (*Ṣaḥīh*)

There are narrations on this topic from 'Alī, Ibn Mas'ūd, and Ibn 'Abbās.

Abū 'Eisā said: The *Ḥadīth* of Al-Faḍl is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. The *Hajj* pilgrim is not to discontinue the *Talbiyah* until

الشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ. وَقَدْ رُوِيَ عَنْ عُمَرَ بْنِ الْخَطَّابِ أَنَّهُ قَالَ: حَلَّ لَهُ كُلُّ شَيْءٍ إِلَّا النِّسَاءَ وَالطِّيبَ. وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ إِلَى هَذَا مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ وَهُوَ قَوْلُ أَهْلِ الْكُوفَةِ.

(المعجم ٧٨) - بَابُ مَا جَاءَ مَتَى يَقْطَعُ التَّلْبِيَةَ فِي الْحَجِّ (التحفة ٧٨)

٩١٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، عَنِ ابْنِ عَبَّاسٍ، عَنِ الْفَضْلِ بْنِ عَبَّاسٍ قَالَ: أَرَدَفَنِي رَسُولُ اللَّهِ ﷺ مِنْ جَمْعٍ إِلَى مَتَى فَلَمْ يَزَلْ يُلَبِّي حَتَّى رَمَى جَمْرَةَ الْعَقَبَةِ.

وفي الباب عن عليّ وابن مسعود وابن عباس.

قَالَ أَبُو عِيسَى: حَدِيثُ الْفَضْلِ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: أَنَّ

stoning the *Jamrah*. This is the view of *Ash-Shāfi'i*, *Aḥmad*, and *Ishāq*.

الْحَاجُّ لَا يَقْطَعُ التَّلْبِيَةَ حَتَّى يَرْمِيَ الْجَمْرَةَ.
وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ.

تخريج: وأخرجه مسلم، الحج، باب استحباب إقامة الحاج التلبية حتى يشرع... إلخ، ح: ١٢٨٠ من حديث ابن جريج به ورواه البخاري، ح: ١٦٨٦/١٦٨٧ من حديث ابن عباس به * وفي الباب عن علي [البيهقي: ١٣٨/٥] وابن مسعود [ابن خزيمة، ح: ٢٨٨٦] وأحمد: ٤١٧/١ [وابن عباس [ابن ماجه، ح: ٣٠٣٩].

Comments:

All the scholars agree that till stoning *Jamrat Al-'Aqabah*, saying the *Talbiyah* is *Sunnah*.

Chapter 79. What Has Been Related About Discontinuing The *Talbiyah* During "*Umrah*"

919. Ibn 'Abbās narrated (that the Prophet ﷺ): "Would stop saying the *Talbiyah* during "*Umrah*" when he touched the (Black) Stone." (*Da'if*)

(He said:) There is something on this topic from 'Abdullāh bin 'Amr.

Abū 'Eisā said: The *Ḥadīth* of Ibn 'Abbās is a *Hasan Ṣaḥīḥ Ḥadīth*, and it is acted upon according to most of the people of knowledge. They said that the one performing "*Umrah*" does not discontinue the *Talbiyah* until he touches the (Black) Stone. Some of them said when he reaches the homes of Makkah he discontinues the *Talbiyah*. But the *Ḥadīth* of the Prophet ﷺ is acted upon, and it is the view of *Sufyān*, *Ash-Shāfi'i*, *Aḥmad*, and *Ishāq*.

(المعجم ٧٩) - بَابُ مَا جَاءَ مَتَى يَقْطَعُ
التَّلْبِيَةَ فِي الْعُمْرَةِ (التحفة ٧٩)

٩١٩ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا هُشَيْمٌ عَنْ
ابْنِ أَبِي لَيْلَى، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ
قَالَ - يَرْفَعُ الْحَدِيثَ -: إِنَّهُ كَانَ يُمَسِّكُ عَنِ
التَّلْبِيَةِ فِي الْعُمْرَةِ إِذَا اسْتَلَمَ الْحَجَرَ.
[قَالَ:] وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ
عَمْرٍو.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ
صَحِيحٌ. وَالْعَمَلُ عَلَيْهِ عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ
قَالُوا: لَا يَقْطَعُ الْمُعْتَمِرُ التَّلْبِيَةَ حَتَّى يَسْتَلِمَ
الْحَجَرَ. وَقَالَ بَعْضُهُمْ: إِذَا انْتَهَى إِلَى بُيُوتِ
مَكَّةَ قَطَعَ التَّلْبِيَةَ. وَالْعَمَلُ عَلَى حَدِيثِ النَّبِيِّ
ﷺ، وَبِهِ يَقُولُ سُفْيَانُ وَالشَّافِعِيُّ وَأَحْمَدُ
وَإِسْحَاقُ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، المناسك، باب: متى يقطع المعتمر التلبية؟، ح: ١٨١٧ من حديث هشيم به، محمد بن أبي ليلي ضعيف وأعله ابن خزيمة، ح: ٢٦٩٧ ورواه عبد الملك بن أبي سليمان وغيره عن عطاء موقوفاً [البيهقي: ١٠٤/٥] وهو الصواب * وفي الباب عن عبد الله بن عمرو [أحمد: ١٨٠/٢] والبيهقي: ١٠٥/٥.

Comments:

According to Imām Abū Ḥanifah, Imām Shāfi'ī and Imām Aḥmad, the one who intends to perform 'Umrah should say the *Talbiyah* till he touches the Black Stone. According to Imām Mālik if the *Ihrām* has been assumed from the *Miqāt*, one should discontinue saying the *Talbiyah* as soon as he enters the limits of *Haram*.

Chapter 80. What Has Been Related About The Visting *Tawāf* During the Night

920. 'Ā'ishah narrated: "The Prophet ﷺ delayed the visiting *Tawāf* until the night." (*Ḍa'īf*)

Abū 'Eisā said: This *Hadīth* is *Hasan* (*Ṣaḥīḥ*). Some of the people of knowledge have allowed for one to delay the visiting *Tawāf* until the night, some of them considered it recommended that the visiting be done on the Day of *An-Naḥr*, and some of them were not as restrictive with its delay, even up to the last of the days of *Minā*.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، المناسك، باب الإفاضة في الحج، ح: ٢٠٠٠ عن محمد ابن بشار، وابن ماجه، ح: ٣٠٥٩ من حديث سفيان الثوري به وعنن كشيخه أبي الزبير.

Comments:

The 10th of *Dhul-Hijjah* is the Day of *An-Naḥr* and four things are to be performed on this day, and the last thing is *Tawāf* of the House. This *Tawāf* is known by many names like *Tawāf of Farḍ*, *Tawāf Al-Ifādah*, *Tawāf Az-Ziyārah*.

Chapter 81. What Has Been Related About Camping At Al-Abṭah

921. Ibn 'Umar narrated: "The Prophet ﷺ, Abū Bakr, 'Umar, and 'Uthmān would camp at Al-Abṭah." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from 'Ā'ishah, Abū Rāfi', and Ibn 'Abbās.

(المعجم ٨٠) - بَابُ مَا جَاءَ فِي طَوَافِ الزِّيَارَةِ بِاللَّيْلِ (التحفة ٨٠)

٩٢٠ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي الزُّبَيْرِ، عَنْ ابْنِ عَبَّاسٍ وَعَائِشَةَ: أَنَّ النَّبِيَّ ﷺ أَخَّرَ طَوَافَ الزِّيَارَةِ إِلَى اللَّيْلِ. قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ [صَحِيحٌ]. وَقَدْ رَخَّصَ بَعْضُ أَهْلِ الْعِلْمِ فِي أَنْ يُؤَخَّرَ طَوَافُ الزِّيَارَةِ إِلَى اللَّيْلِ وَاسْتَحَبَّ بَعْضُهُمْ أَنْ يَزُورَ يَوْمَ النَّحْرِ وَوَسَّعَ بَعْضُهُمْ أَنْ يُؤَخَّرَ وَلَوْ إِلَى آخِرِ أَيَّامٍ مَنَى.

(المعجم ٨١) - بَابُ مَا جَاءَ فِي نَزْوِلِ الْأَبْطَحِ (التحفة ٨١)

٩٢١ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا عُيَيْدُ اللَّهِ بْنُ عُمَرَ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: كَانَ النَّبِيُّ ﷺ وَأَبُو بَكْرٍ وَعُمَرُ وَعُثْمَانُ يَنْزِلُونَ الْأَبْطَحَ.

Abū 'Eisā said: The *Hadīth* of Ibn 'Umar is a *Hasan Ṣaḥīḥ Gharīb Hadīth*. We only know of it from the narration of 'Abdur-Razzāq from 'Ubaidullāh bin 'Umar.

Some of the people considered it recommended to camp at Al-Abṭah without considering it necessary except for one who would like to do that. Ash-Shāfi'i said: "Camping at Al-Abṭah does not represent any of the rites, it is only a place that the Messenger of Allāh ﷺ camped at."

[قَالَ:] وَفِي الْبَابِ عَنْ عَائِشَةَ وَأَبِي رَافِعٍ وَابْنِ عَبَّاسٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عُمَرَ حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ. إِنَّمَا نَعْرِفُهُ مِنْ حَدِيثِ عَبْدِ الرَّزَّاقِ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ: وَقَدْ اسْتَحَبَّ بَعْضُ أَهْلِ الْعِلْمِ نَزُولَ الْأَبْطَحِ مِنْ غَيْرِ أَنْ يَرَوْا ذَلِكَ وَاجِبًا إِلَّا مَنْ أَحَبَّ ذَلِكَ. قَالَ الشَّافِعِيُّ: وَنَزُولُ الْأَبْطَحِ لَيْسَ مِنَ التُّسُكِ فِي شَيْءٍ إِنَّمَا هُوَ مَنْزِلٌ نَزَلَهُ رَسُولُ اللَّهِ ﷺ.

تخريج: [إسناده صحيح] وأخرجه ابن ماجه، المناسك، باب نزول المحصب، ح: ٣٠٦٩ من حديث عبدالرزاق به وهو متفق عليه، البخاري، ح: ١٧٦٧ ومسلم، ح: ١٣١٠ من حديث نافع به مطولاً ومختصراً * وفي الباب عن عائشة [البخاري، ح: ١٧٦٥، ١٧٧٢ ومسلم، ح: ١٣١١] وأبي رافع [مسلم، ح: ١٣١٣] وابن عباس [يأتي: ٩٢٢].

922. Ibn 'Abbās narrated: "At-Taḥṣīb is nothing, it is only a place that the Messenger of Allāh ﷺ camped at." (*Ṣaḥīḥ*)

Abū 'Eisā said: *At-Taḥṣīb* means camping at Al-Abṭah.

Abū 'Eisā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

٩٢٢ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانٌ عَنْ عُمَرُو بْنِ دِينَارٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: لَيْسَ التَّحْصِيبُ بِشَيْءٍ إِنَّمَا هُوَ مَنْزِلٌ نَزَلَهُ رَسُولُ اللَّهِ ﷺ.

قَالَ أَبُو عِيسَى: التَّحْصِيبُ: نَزُولُ الْأَبْطَحِ. قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه البخاري، الحج، باب المحصب، ح: ١٧٦٦ ومسلم، ح: ١٣١٢ من حديث سفيان بن عيينة به.

Comments:

According to Imām Nawawī Muḥassab, Abṭah, Baṭḥā' and Khaif Banī Kinānah are different names of one place, and staying here is approved as the Prophet ﷺ camped here and *Al-Khulafā' Ar-Rāshidūn* also camped there. It is better if *Ṣalāt Az-Zuhr*, *Aṣr* and *Maghrib* and *Ishā'* are performed there. (*Ṣaḥīḥ Muslim* v.1 p.422)

Chapter 82. (About Camping At Al-Abṭah)

923. ‘Ā’ishah narrated: “The Messenger of Allāh ﷺ only camped at Al-Abṭah because it was easier for his departure.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Hasan Ṣaḥīḥ*.

Ibn Abī ‘Umar narrated to us: Sufyān narrated similar to us from Hishām bin ‘Urwah.

(المعجم ٨٢) - بَابُ [مَنْ نَزَلَ الْأَبْطَحَ]

(التحفة ٨٢)

٩٢٣ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا حَبِيبُ الْمَعْلَمِ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: إِنَّمَا نَزَلَ رَسُولُ اللَّهِ ﷺ الْأَبْطَحَ لِأَنَّهُ كَانَ أَسْمَحَ لِخُرُوجِهِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

حَدَّثَنَا بْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ عَنْ هِشَامِ بْنِ عُرْوَةَ: نَحْوَهُ.

تخريج: متفق عليه، وأخرجه مسلم، الحج، باب استحباب نزول المحصب يوم النفر ... الخ، ح: ١٣١١ من حديث يزيد بن زريع والبخاري، ح: ١٧٦٥ من حديث هشام بن عروة به.

Comments:

All the scholars agree that camping at the valley of Muḥassab is not a part of *Hajj*, if some one does not encamp there, there is no harm in it, and there is no penalty on him.

Chapter 83. What Has Been Related About The *Hajj* Of A Boy

924. Jābir bin ‘Abdullāh narrated: “A woman held a boy of hers up for the Messenger of Allāh ﷺ and said: ‘O Messenger of Allāh! Is there *Hajj* for this one?’ He said: ‘Yes, and you will be rewarded.’” (*Ṣaḥīḥ*)

(He said:) There is something on this topic from Ibn ‘Abbās. The *Ḥadīth* of Jābir is a *Gharīb Ḥadīth*.

(المعجم ٨٣) - بَابُ مَا جَاءَ فِي حَجِّ

الصَّبِيِّ (التحفة ٨٣)

٩٢٤ - حَدَّثَنَا مُحَمَّدُ بْنُ طَرِيفٍ الْكُوفِيُّ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ مُحَمَّدِ بْنِ سُوْفَةَ، عَنْ مُحَمَّدِ بْنِ الْمُثَنَّدِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: رَفَعَتْ امْرَأَةٌ صَبِيًّا لَهَا إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ أَلِهَذَا حَجٌّ؟ قَالَ: «نَعَمْ وَلَكَ أَجْرٌ».

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عَبَّاسٍ.

حَدِيثُ جَابِرٍ حَدِيثٌ غَرِيبٌ.

تخريج: [إسناده صحيح] وأخرجه ابن ماجه، المناسك، باب حج الصبي، ح: ٢٩١٠ عن محمد بن طريف به * أبو معاوية صرح بالسمع * وفي الباب عن ابن عباس [مسلم، ح: ١٣٣٦].

925. As-Sā'ib bin Yazīd narrated: "My father took me for *Hajj* with the Messenger of Allāh ﷺ during the Farewell *Hajj*, and I was seven years old." (*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Ḥadīth* is *Hasan Ṣaḥīḥ*.

The people of knowledge agreed that when a young boy performs *Hajj* before the age of maturity, then he is required to perform *Hajj* when he attains the age of maturity. That *Hajj* will not be accepted from him as the *Hajj* of Islām. The same is the case of the slave who performs *Hajj* while he is owned, then he is freed. He is required to perform *Hajj* when he has the means for it, and the *Hajj* that he performed while he was in a state of being owned is not acceptable. This is the view of Sufyān Ath-Thawrī, Ash-Shāfi'ī, Ahmad, and Ishāq.

تخريج: [صحيح] وأخرجه البخاري، الحج، باب حج الصبيان، ح: ١٨٥٨ من حديث حاتم ابن إسماعيل به.

Comments:

All the *A'imma* and scholars agree the *Hajj* is not obligatory for a minor, but if it is performed by a minor it is approved and correct.

926. (Another chain) from Jābir bin 'Abdullāh from the Prophet ﷺ, with similar (*Ḥadīth* of Muḥammad bin Tarīf no. 924). (*Ṣaḥīḥ*)

(Abū 'Eīsā said:) It has (also) been reported from Muḥammad bin Al-Munkadir, from the Prophet ﷺ in *Mursal* form.^[1]

٩٢٥ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ يُوسُفَ، عَنِ السَّائِبِ بْنِ يَزِيدَ قَالَ: حَجَّ بِي أَبِي مَعَ رَسُولِ اللَّهِ ﷺ فِي حَجَّةِ الْوَدَاعِ وَأَنَا ابْنُ سَبْعِ سِنِينَ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ أَجْمَعَ أَهْلُ الْعِلْمِ أَنَّ الصَّبِيَّ إِذَا حَجَّ قَبْلَ أَنْ يُدْرِكَ فَعَلَيْهِ الْحَجُّ إِذَا أَدْرَكَ لَا تُجْزِئُهُ عَنْهُ تِلْكَ الْحَجَّةُ عَنْ حَجَّةِ الْإِسْلَامِ وَكَذَلِكَ الْمَمْلُوكُ إِذَا حَجَّ فِي رَقِّهِ ثُمَّ أُعْتِقَ فَعَلَيْهِ الْحَجُّ إِذَا وَجَدَ إِلَى ذَلِكَ سَبِيلًا وَلَا يُجْزِئُهُ عَنْهُ مَا حَجَّ فِي حَالِ رَقِّهِ. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ.

٩٢٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا قَزْعَةُ بْنُ سُوَيْدٍ الْبَاهِلِيُّ عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ نَحْوَهُ [يَعْنِي حَدِيثَ مُحَمَّدِ بْنِ طَرِيفٍ].
[قَالَ أَبُو عِيسَى:] وَقَدْ رَوَى عَنْ مُحَمَّدِ ابْنِ الْمُنْكَدِرِ عَنِ النَّبِيِّ ﷺ مُرْسَلًا.
تخريج: [إسناده صحيح] انظر، ح: ٩٢٤.

^[1] That is, that Muḥammad bin Al-Munkadir is in the chain of nos 925 and 926.

Chapter 84. The Talbiyah On Behalf Of Women And Stoning On Behalf Of Boys

(المعجم ٨٤) - [بَابُ التَّلْبِيَةِ عَنِ النِّسَاءِ
وَالرَّمْيِ عَنِ الصَّبْيَانِ]
(التحفة ٨٤)

927. Jābir narrated: "When we performed our Hajj with the Prophet ﷺ we would say the Talbiyah for the women and we would stone for the boys." (Da'if)

Abū 'Eīsā said: This Hadīth is Gharīb; we do not know of it except through this route. The people of knowledge have agreed that the Talbiyah is not to be said for a woman by others, rather she says the Talbiyah for herself, and it is disliked for her to raise her voice with the Talbiyah.

٩٢٧ - حَدَّثَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ
الوَاسِطِيُّ قَالَ: سَمِعْتُ ابْنَ نُمَيْرٍ عَنْ أَشْعَثَ
ابْنِ سَوَّارٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ:
كُنَّا إِذَا حَجَجْنَا مَعَ النَّبِيِّ ﷺ فَكُنَّا نُلَبِّي عَنِ
النِّسَاءِ وَنَرْمِي عَنِ الصَّبْيَانِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ لَا
نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ وَقَدْ أَجْمَعَ أَهْلُ
الْعِلْمِ [عَلَى] أَنَّ الْمَرْأَةَ لَا يُلَبِّي عَنْهَا غَيْرُهَا
بَلْ هِيَ تُلَبِّي عَنْ نَفْسِهَا وَيُكْرَهُ لَهَا رَفْعُ
الصَّوْتِ بِالتَّلْبِيَةِ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، المناسك، باب الرمي عن الصبيان،
ح: ٣٠٣٨ من حديث ابن نمير به وأشعث ضعيف وأبو الزبير عنن.

Comments:

According to Imām Muhibb Tabarī, men should say Talbiyah on behalf of women. It is unanimously agreed that women should say Talbiyah in a low voice, as their voice may cause some type of temptation for male members.

Chapter 85. What Has Been Related About Hajj On Behalf Of The Elderly Man And The Dead

(المعجم ٨٥) - [بَابُ مَا جَاءَ فِي الْحَجِّ،
عَنِ الشَّيْخِ الْكَبِيرِ وَالْمَيِّتِ]
(التحفة ٨٥)

928. Al-Faḍl bin 'Abbās narrated: "A woman from Khath'am said: 'O Messenger of Allāh! My father has lived until Allāh has made Hajj obligatory, and he is an elderly man who is not able to sit on the back of a camel.' So he (ﷺ) said:

٩٢٨ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا
رَوْحُ بْنُ عُبَادَةَ: حَدَّثَنَا ابْنُ جُرَيْجٍ قَالَ:
أَخْبَرَنِي ابْنُ شِهَابٍ قَالَ: حَدَّثَنِي سُلَيْمَانُ بْنُ
يَسَارٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، عَنْ الْفَضْلِ بْنِ
عَبَّاسٍ: أَنَّ امْرَأَةً مِنْ خَثْعَمَ قَالَتْ: يَا رَسُولَ

‘Perform *Hajj* for him.’”^[1] (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from ‘Alī, Buraidah, Ḥuṣain bin ‘Awf, Abū Razīn Al-‘Uqailī, Sawdah (bint Zam‘ah) and Ibn ‘Abbās.

Abū ‘Eisā said: The *Ḥadīth* of Al-Faḍl bin ‘Abbās is a *Ḥasan Ṣaḥīḥ Ḥadīth* (and it has been reported from Ibn ‘Abbās, from Ḥuṣain bin ‘Awf Al-Muzanī, from the Prophet ﷺ).

It has also been reported from Ibn ‘Abbās from Sinān bin ‘Abdullāh Al-Juhānī, from his aunt, from the Prophet ﷺ. And it has been reported from Ibn ‘Abbās from the Prophet ﷺ.

(He said:) I asked Muḥammad about these narrations. He said: “The most correct thing on this topic is what Ibn ‘Abbās reported from Al-Faḍl bin ‘Abbās from the Prophet ﷺ.”

Muḥammad said: “It implies that Ibn ‘Abbās heard it from Al-Faḍl and others, from the Prophet ﷺ. Then he reported this (from the Prophet ﷺ) in *Mursal* form and he did not mention the one who he heard it from.”

Abū ‘Eisā said: Other *Aḥādīth* are authentically reported from the Prophet ﷺ on this topic. And this is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. It is the view of Sufyān Ath-Thawrī, Ibn Al-Mubārak, Ash-

الله، إِنَّ أَبِي أَدْرَكَتُهُ فَرِيضَةُ اللَّهِ فِي الْحَجِّ وَهُوَ شَيْخٌ كَبِيرٌ لَا يَسْتَطِيعُ أَنْ يَسْتَوِيَ عَلَى ظَهْرِ الْبَعِيرِ قَالَ: «حُجِّي عَنْهُ».

[قَالَ:] وَفِي الْبَابِ عَنْ عَلِيٍّ وَبُرَيْدَةَ وَحُصَيْنِ بْنِ عَوْفٍ وَأَبِي رَزِينِ الْعُقَيْلِيِّ وَسَوْدَةَ [بِنْتُ زَمْعَةَ] وَابْنِ عَبَّاسٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ الْفَضْلِ بْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ [وَرُوِيَ عَنْ ابْنِ عَبَّاسٍ، عَنْ حُصَيْنِ بْنِ عَوْفٍ الْمُرْنِيِّ عَنِ النَّبِيِّ ﷺ]. وَرُوِيَ عَنِ ابْنِ عَبَّاسٍ أَيْضًا، عَنْ سِنَانِ بْنِ عَبْدِ اللَّهِ الْجُهَنِيِّ، عَنْ عَمَّتِهِ عَنِ النَّبِيِّ ﷺ. وَرُوِيَ عَنِ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ. [قَالَ:] فَسَأَلْتُ مُحَمَّدًا عَنْ هَذِهِ الرِّوَايَاتِ؟ فَقَالَ: أَصَحُّ شَيْءٍ فِي هَذَا الْبَابِ مَا رَوَى ابْنُ عَبَّاسٍ عَنِ الْفَضْلِ بْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ. قَالَ مُحَمَّدٌ: وَيُحْتَمَلُ أَنْ يَكُونَ ابْنُ عَبَّاسٍ سَمِعَهُ مِنَ الْفَضْلِ وَغَيْرِهِ عَنِ النَّبِيِّ ﷺ، ثُمَّ رَوَى هَذَا [عَنِ النَّبِيِّ ﷺ] فَأَرْسَلَهُ وَلَمْ يَذْكُرِ الَّذِي سَمِعَهُ مِنْهُ.

قَالَ أَبُو عِيسَى: وَقَدْ صَحَّ عَنِ النَّبِيِّ ﷺ فِي هَذَا الْبَابِ غَيْرُ حَدِيثٍ وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، وَبِهِ يَقُولُ الثَّوْرِيُّ وَابْنُ الْمُبَارَكِ وَالشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ يَرَوْنَ أَنْ يَحُجَّ عَنْ الْمَيِّتِ. وَقَالَ مَالِكٌ: إِذَا أَوْصَى أَنْ

^[1] See no. 885.

Shāfi'ī, Aḥmad, and Ishāq. They held the view that one could perform *Hajj* on behalf of the dead. Mālik said: "If he instructed that *Hajj* be performed for him then one performs *Hajj* for him." Some of the people of knowledge have permitted *Hajj* on behalf of the living, when he is old or in a condition that does not allow him to perform *Hajj*. This is the view of Ibn Al-Mubārak and Ash-Shāfi'ī.

يَحُجُّ عَنْهُ حَجَّ عَنْهُ. وَقَدْ رَخَّصَ بَعْضُهُمْ أَنَّ
يَحُجَّ عَنْ الْحَيِّ - إِذَا كَانَ كَبِيرًا أَوْ بِحَالٍ لَا
يَقْدِرُ أَنْ يَحُجَّ - وَهُوَ قَوْلُ ابْنِ الْمُبَارَكِ
وَالشَّافِعِيِّ.

تخريج: متفق عليه، وأخرجه البخاري، الحج، باب الحج عمن لا يستطيع الثبوت على
الراحلة، ح: ١٨٥٣، ومسلم، ح: ١٣٣٥ من حديث ابن جريج به * وفي الباب عن علي
[تقدم: ٨٨٥] وبريدة [يأتي: ٩٢٩] وحصين بن عوف [ابن ماجه، ح: ٢٩٠٨] وأبي رزین العقيلي
[يأتي: ٩٣٠] وسودة بنت زمعة [أحمد: ٤٢٩/٦] والدارمي، ح: ١٨٤٤] وابن عباس: [١١٦/٥]،
ح: ٢٦٣] وعمه سنان [ابن أبي شيبة: ١٤/١٦٩، ١٧٠، وغيره].

Comments:

It is allowed to perform *Hajj* on behalf of a deceased person. According to Ibn 'Umar and Ibrāhīm An-Nakha'ī, *Hajj* cannot be performed on behalf of others. Imām Mālik is of same point of view. Most of the scholars and people of knowledge say that if someone cannot perform *Hajj* himself due to some weakness or some other genuine reason, someone else can perform *Hajj* on his/her behalf in his/her life.

Chapter 86. Something Else (What Has Been Related About *Hajj* On Behalf Of The Dead)

929. 'Abdullāh bin Buraidah narrated from his father who said: "A woman came to the Prophet ﷺ and said: 'My mother died and she did not perform *Hajj* should I perform *Hajj* on her behalf?' He said: 'Yes, perform *Hajj* on her behalf.'" (*Ṣaḥīḥ*)

He said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

(المعجم ٨٦) - بَابُ: مِنْهُ [مَا جَاءَ فِي]

الْحَجَّ عَنِ الْمَيِّتِ [التحفة ٨٦]

٩٢٩ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى:
حَدَّثَنَا عَبْدُ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ، عَنْ
عَبْدِ اللَّهِ بْنِ عَطَاءٍ [قَالَ: وَحَدَّثَنَا عَلِيُّ بْنُ
حُجْرٍ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ عَبْدِ اللَّهِ بْنِ
عَطَاءٍ]، عَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ
قَالَ: جَاءَتْ امْرَأَةٌ إِلَى النَّبِيِّ ﷺ فَقَالَتْ: إِنَّ
أُمِّي مَاتَتْ وَلَمْ تَحُجَّ أَفَأَحُجُّ عَنْهَا؟ قَالَ:
«نَعَمْ حُجِّي عَنْهَا».

قَالَ: وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: وأخرجه مسلم، الصيام، باب قضاء الصوم عن الميت، ح: ١١٤٩ من حديث عبدالرزاق به.

Comments:

It is agreed that he who has performed his *Fard* (obligatory) *Hajj* then he can perform *Hajj* on behalf of another person. But whoever has not performed his *Fard Hajj*, he is not allowed to perform *Hajj* on behalf of others. (*Tuhfat Al-Ahwadhī* v. 2. p. 113.)

Chapter 87. Something Else About That

930. Abū Razīn Al-'Uqailī narrated that he went to the Prophet ﷺ and said: "O Messenger of Allāh! My father is an elderly man who is not able to perform *Hajj* nor '*Umrah* nor undertake a journey.' He said: 'Perform *Hajj* on behalf of your father, and perform '*Umrah*.'" (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. And the Prophet ﷺ only mentioned '*Umrah* in this *Ḥadīth* regarding when a man performs '*Umrah* on behalf of someone else. Abū Razīn Al-'Uqailī's name is Laqīṭ bin 'Āmir.

(المعجم ٨٧) - بَابُ: مِنْهُ (التحفة ٨٧)

٩٣٠ - حَدَّثَنَا يُوسُفُ بْنُ عِيسَى: حَدَّثَنَا وَكِيعٌ عَنْ شُعْبَةَ، عَنِ الثُّعْمَانِ بْنِ سَالِمٍ، عَنْ عَمْرِو بْنِ أَوْسٍ، عَنْ أَبِي رَزِينِ الْعُقَيْلِيِّ أَنَّهُ أَتَى النَّبِيَّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ إِنَّ أَبِي شَيْخٌ كَبِيرٌ لَا يَسْتَطِيعُ الْحَجَّ وَلَا الْعُمْرَةَ، وَلَا الظَّنَّ قَالَ: «حُجَّ عَنْ أَبِيكَ وَاعْتَمِرْ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، وَإِنَّمَا ذُكِرَتِ الْعُمْرَةُ عَنِ النَّبِيِّ ﷺ فِي هَذَا الْحَدِيثِ أَنْ يَعْتَمِرَ الرَّجُلُ عَنْ غَيْرِهِ. وَأَبُو رَزِينِ الْعُقَيْلِيُّ اسْمُهُ لَقِيطُ بْنُ عَامِرٍ.

تخريج: [إسناده صحيح] وأخرجه ابن ماجه، المناسك، باب الحج عن الحي إذا لم يستطع، ح: ٢٩٠٦ من حديث وكيع به وصححه ابن خزيمة، ح: ٣٠٤٠ وابن حبان، ح: ٩٦١ وابن الجارود، ح: ٥٠٠ والحاكم على شرط الشيخين: ٤٨١/١ ووافقه الذهبي، وقواه أحمد بن حنبل، انظر نيل المقصود، ح: ١٨١٠ يسر الله لي طبعه.

Comments:

Both *Hajj* and '*Umrah* can be performed by proxy (*Al-Mughnī*. v. 5. p27)

Chapter 88. What Has Been Related About '*Umrah*: Is It Required Or Not?

931. Jābir narrated that the Prophet

(المعجم ٨٨) - بَابُ مَا جَاءَ فِي الْعُمْرَةِ أَوَاجِبَةٌ هِيَ أَمْ لَا؟ (التحفة ٨٨)

٩٣١ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى

ﷺ was asked about whether 'Umrah was obligatory? He said: "No. But if you perform 'Umrah it is more virtuous." (*Da'if*)

Abū 'Eisā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

It is the view of some of the people of knowledge. They said: "Umrah is not obligatory. It has been said that they are two Hajj: The Greater Hajj of the Day of An-Nahr and the Lesser Hajj of 'Umrah. Ash-Shāfi'ī said: "Umrah is a *Sunnah* about which we do not know anyone who permitted leaving it, and there is nothing confirmed about it stating that it is merely voluntary and optional." He said: "It has been reported from the Prophet ﷺ [with a chain] but it is weak, the like of which proof is not established upon. And it has reached us that Ibn 'Abbās considered it obligatory."

(Abū 'Eisā said: All of it is the statement of Ash-Shāfi'ī).

تخریج: [إسناده ضعيف] وأخرجه أحمد: ۳/۳۱۶ من حديث الحجاج بن أرطاة به وأعله ابن خزيمة، ح: ۳۰۶۸ وله شاهد موقوف عند البيهقي: ۴/۳۴۹ وسنده ضعيف حجاج هذا ضعيف من جهة سوء حفظه.

Comments:

Hajj and 'Umrah are both obligatory for a person who has the means.

Chapter 89. Something Else From That ('Umrah Has Been Entered Into Hajj Until the Day of Resurrection)

932. Ibn 'Abbās narrated that the Prophet ﷺ said: "'Umrah has been entered into Hajj until the Day of Resurrection." (*Ṣaḥīḥ*)

(He said:) There are narrations on

الصَّنْعَانِي: حَدَّثَنَا عَمْرُو بْنُ عَلِيٍّ عَنِ الْحَجَّاجِ، عَنْ مُحَمَّدِ بْنِ الْمُثَنَّى، عَنْ جَابِرٍ: أَنَّ النَّبِيَّ ﷺ سُئِلَ عَنِ الْعُمْرَةِ أَوْاجِبَةٌ هِيَ؟ قَالَ: «لَا، وَأَنْ تَعْتَمِرُوا هُوَ أَفْضَلُ».

قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَهُوَ قَوْلُ بَعْضِ أَهْلِ الْعِلْمِ قَالُوا: الْعُمْرَةُ لَيْسَتْ بِوَاجِبَةٍ. وَكَانَ يُقَالُ هُمَا حَجَّانَ: الْحَجُّ الْأَكْبَرُ يَوْمَ النَّحْرِ وَالْحَجُّ الْأَصْغَرُ الْعُمْرَةُ. وَقَالَ الشَّافِعِيُّ: الْعُمْرَةُ سُنَّةٌ لَا تَعْلَمُ أَحَدًا رَخَّصَ فِي تَرْكِهَا، وَلَيْسَ فِيهَا شَيْءٌ ثَابِتٌ بِأَنَّهَا تَطَوُّعٌ قَالَ: وَقَدْ رَوَى عَنِ النَّبِيِّ ﷺ [بِإِسْنَادٍ] وَهُوَ ضَعِيفٌ، لَا تَقُومُ بِمِثْلِهِ الْحُجَّةُ. وَقَدْ بَلَّغْنَا عَنِ ابْنِ عَبَّاسٍ أَنَّهُ كَانَ يُوجِبُهَا. [قَالَ أَبُو عِيْسَى: كُلُّهُ كَلَامُ الشَّافِعِيِّ].

(المعجم ۸۹) - بَابُ: مِنْهُ [دَخَلَتِ الْعُمْرَةُ فِي الْحَجِّ إِلَى يَوْمِ الْقِيَامَةِ] (التحفة ۸۹)

۹۳۲ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدَةَ الصَّبَّيُّ:

حَدَّثَنَا زِيَادُ بْنُ عَبْدِ اللَّهِ عَنْ يَزِيدَ بْنِ أَبِي زِيَادٍ، عَنْ مُجَاهِدٍ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ

this topic from Surāqah bin Mālik bin Ju'shum and Jābir bin 'Abdullāh.

Abū 'Eisā said: The *Ḥadīth* of Ibn 'Abbās is a *Ḥasan Ḥadīth*.

The meaning of the *Ḥadīth* is that there is no harm in performing 'Umrah during the months of Hajj. This is what was said by Ash-Shāfi'i, Aḥmad, and Ishāq. And, the meaning of this *Ḥadīth* is that the people of *Jahiliyyah* would not perform 'Umrah during the months of Hajj. When Islām came, the Prophet ﷺ permitted that, so he ﷺ said: "Umrah has been entered into Hajj until the Day of Resurrection" meaning there is no harm in 'Umrah during the months of Hajj.

The months of Hajj are Shawwāl, Dhul-Qa'dah, and the ten days of Dhul-Hijjah; it is not possible for a man to say the *Talbiyah* for Hajj except during these months.

The Sacred months are Rajab, Dhul-Qa'dah, Dhul-Hijjah, and Al-Muharran. This is what was said by more than one of the people of knowledge among the Companions of the Prophet ﷺ and others.

ﷺ قَالَ: «دَخَلَتِ الْعُمْرَةُ فِي الْحَجِّ إِلَى يَوْمِ الْقِيَامَةِ».

[قَالَ:] وَفِي الْبَابِ عَنْ سُرَاقَةَ بْنِ مَالِكِ ابْنِ جُعْشُمٍ وَجَابِرِ بْنِ عَبْدِ اللَّهِ.
قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ.

وَمَعْنَى هَذَا الْحَدِيثِ: أَنَّ لَا بَأْسَ بِالْعُمْرَةِ فِي أَشْهُرِ الْحَجِّ. وَهَكَذَا قَالَ الشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ. وَمَعْنَى هَذَا الْحَدِيثِ: أَنَّ أَهْلَ الْجَاهِلِيَّةِ كَانُوا لَا يَغْتَمِرُونَ فِي أَشْهُرِ الْحَجِّ، فَلَمَّا جَاءَ الْإِسْلَامُ رَخَّصَ النَّبِيُّ ﷺ فِي ذَلِكَ [فَقَالَ]: «دَخَلَتِ الْعُمْرَةُ فِي الْحَجِّ إِلَى يَوْمِ الْقِيَامَةِ». يَعْنِي لَا بَأْسَ بِالْعُمْرَةِ فِي أَشْهُرِ الْحَجِّ. وَأَشْهُرُ الْحَجِّ شَوَّالٌ وَذُو الْقَعْدَةِ وَعَشْرٌ مِنْ ذِي الْحِجَّةِ، لَا يَنْبَغِي لِلرَّجُلِ أَنْ يُهْلَ بِالْحَجِّ: إِلَّا فِي أَشْهُرِ الْحَجِّ. وَأَشْهُرُ الْحَرَمِ رَجَبٌ وَذُو الْقَعْدَةِ وَذُو الْحِجَّةِ وَالْمُحَرَّمُ. هَكَذَا قَالَ غَيْرُ وَاحِدٍ مِنْ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ.

تخريج: [صحيح] وأخرجه أحمد: ٢٥٣/١ من حديث يزيد به وله طريق آخر عند مسلم، ح: ١٢٤١ عن مجاهد به * وفي الباب عن سراقه بن مالك [أحمد: ١٧٥/٤] وجابر بن عبد الله [مسلم، ح: ١٢١٨].

Comments:

According to Imām Mālik, and Shāfi'i, Shawwāl, Dhul-Qa'dah and Dhul-Hijjah – three complete months, are Hajj months, whereas according to Imām Aḥmad and Abū Ḥanīfah, up to the 10th of Dhul-Hijjah are the months of Hajj. The correct report of Imām Shāfi'i is that the 10th of Dhul-Hijjah is not included in the months of Hajj. (*Tuhfat Al-Ahwadhī* v.2 p.114). The correct understanding of the narration is as described by Imām At-Tirmidhī.

Chapter 90. What Has Been Related Mentioning The Virtues Of 'Umrah

(المعجم ٩٠) - بَابُ مَا جَاءَ فِي ذِكْرِ
فَضْلِ الْعُمْرَةِ (التحفة ٩٠)

933. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “‘Umrah to ‘Umrah atones for the sins between them, and for *Al-Hajj Al-Mabrūr*^[1] there is no reward except Paradise.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

٩٣٣ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا وَكِيعٌ عَنْ سُفْيَانَ، عَنْ سُمَيٍّ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْعُمْرَةُ إِلَى الْعُمْرَةِ تُكَفِّرُ مَا بَيْنَهُمَا وَالْحَجُّ الْمَبْرُورُ لَيْسَ لَهُ جَزَاءٌ إِلَّا الْجَنَّةُ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه مسلم، ح: ١٣٤٩ عن أبي كريب والبخاري، العمرة، باب وجوب العمرة وفضلها، ح: ١٧٧٣ من حديث سمى به.

Comments:

The blessed journey of ‘Umrah provides a chance for repentance and to ask Allāh for forgiveness. The sins between ‘Umrah to ‘Umrah are forgiven by Allāh. Similarly *Hajj* free from showing off and hypocrisy is rewarded with Paradise.

Chapter 91. What Has Been Related About Performing 'Umrah From At-Tan'im^[2]

(المعجم ٩١) - بَابُ مَا جَاءَ فِي الْعُمْرَةِ
مِنَ التَّنْعِيمِ (التحفة ٩١)

934. ‘Amr bin Aws narrated from ‘Abdur-Raḥmān bin Abī Bakr: “The Prophet ﷺ ordered ‘Abdur-Raḥmān bin Abī Bakr to (accompany) ‘Āishah to perform ‘Umrah from At-Tan'im.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

٩٣٤ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى وَإِبْنُ أَبِي عَمْرٍو قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ عَمْرِو بْنِ أَوْسٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرٍ: أَنَّ النَّبِيَّ ﷺ أَمَرَ عَبْدَ الرَّحْمَنِ بْنَ أَبِي بَكْرٍ أَنْ يُعْمِرَ عَائِشَةَ مِنَ التَّنْعِيمِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه البخاري، العمرة، باب عمرة التنعيم، ح: ١٧٨٤ ومسلم، ح: ١٢١٢ من حديث سفيان بن عيينة به.

[1] See no. 810.

[2] “A well known location outside Makkah. It is about four miles from Makkah in the direction of Al-Madīnah.” (*Tuhfat Al-Aḥwadhī*).

Comments:

‘Āishah like other wives of the Prophet ﷺ had intended to perform *Hajj Tamattu’* but due to the start of the menses she was unable to perform ‘*Umrah* separately and her *Hajj* became *Qirān*, in which the segments of ‘*Umrah* come under the performance of *Hajj*. She longed to perform ‘*Umrah* separately. The Prophet ﷺ asked her brother Abdur-Raḥmān to take her to Tan‘īm to reassume *Ihrām* and perform ‘*Umrah*.

Chapter 92. What Has Been Related About Performing ‘*Umrah* From Al-Ji‘rānah^[1]

935. Muḥarrish Al-Ka‘bī narrated: “The Messenger of Allāh ﷺ left Al-Ji‘rānah during the night for ‘*Umrah*, then he entered Makkah during the night and performed his ‘*Umrah*. Then he left there during the night, then he was in Al-Ji‘rānah by the morning, as if he had spent the night. When the sun passed the zenith in the morning he left from the midst of Sarif until he came on a road from amidst Sarif. It is because of this that his ‘*Umrah* was concealed from the people.” (*Hasan*)

Abū ‘Eisā said: This *Hadīth* is *Hasan Gharib*. We do not know of a *Hadīth* narrated by Muḥarrish Al-Ka‘bī from the Prophet ﷺ other than this one. (It has been said: “He came on a road connecting.”)

(المعجم ٩٢) - بَابُ مَا جَاءَ فِي الْعُمْرَةِ

مِنْ الْجِعْرَانَةِ (التحفة ٩٢)

٩٣٥ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا

يَحْيَى بْنُ سَعِيدٍ عَنِ ابْنِ جُرَيْجٍ، عَنْ مُزَاحِمِ ابْنِ أَبِي مُزَاحِمٍ، عَنْ عَبْدِ الْعَزِيزِ بْنِ عَبْدِ اللَّهِ، عَنْ مُحَرَّرِشِ الْكَعْبِيِّ: أَنَّ رَسُولَ اللَّهِ ﷺ خَرَجَ مِنَ الْجِعْرَانَةِ لَيْلًا مُعْتَمِرًا فَدَخَلَ مَكَّةَ لَيْلًا فَقَضَى عُمْرَتَهُ، ثُمَّ خَرَجَ مِنْ لَيْلَتِهِ فَأَصْبَحَ بِالْجِعْرَانَةِ كَبَائِتٍ، فَلَمَّا زَالَتِ الشَّمْسُ مِنَ الْعَدِ خَرَجَ مِنْ بَطْنِ سَرِفٍ حَتَّى جَاءَ مَعَ الطَّرِيقِ، طَرِيقَ جَمْعِ بَطْنِ سَرِفٍ فَمِنْ أَجْلِ ذَلِكَ خَفِيَ عُمْرَتُهُ عَلَى النَّاسِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ، وَلَا نَعْرِفُ لِمُحَرَّرِشِ الْكَعْبِيِّ عَنِ النَّبِيِّ ﷺ غَيْرَ هَذَا الْحَدِيثِ. [وَيُقَالُ: جَاءَ مَعَ الطَّرِيقِ مَوْضُولًا].

تخریج: [إسناده حسن] وأخرجه النسائي، مناسك الحج، باب دخول مكة ليلاً: ١٩٩/٥، ٢٨٦٦ من حديث ابن جريج به وصرح بالسماع.

Comments:

The Prophet ﷺ on 17th or 18th of Dhul-Qa‘dah A.H. on Wednesday left Ji‘rānah and went to Makkah, there he performed ‘*Umrah* and the same night returned to Ji‘rānah, and on Thursday via Sarif went back to the valley, that is why most of the people were not aware of his ‘*Umrah*. Some of the Companions have denied it because they were not aware of this ‘*Umrah*.

^[1] See no. 815B.

Chapter 93. What Has Been Related About 'Umrah During Rajab

936. 'Urwah said: "Ibn 'Umar was asked: In which month did the Messenger of Allāh ﷺ perform 'Umrah? He said: 'During Rajab.' So 'Āishah said: 'The Messenger of Allāh ﷺ did not perform 'Umrah except that he was with him – meaning Ibn 'Umar – and he did not ever perform 'Umrah in the month of Rajab.'" (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* is *Gharīb*. I heard Muḥammad saying: "Ḥabīb bin Abi Thābit did not hear from 'Urwah bin Az-Zubair."

تخریج: [صحیح] وأخرجه ابن ماجه، المناسك، باب العمرة في رجب، ح: ٢٩٩٨ عن أبي كرب به ورواه مسلم، ح: ١٢٥٥ من حديث عروة والبخاري، ح: ١٧٧٥، ١٧٧٦ من حديث ابن عمر به، انظر الحديث الآتي.

937. Ibn 'Umar narrated: "The Prophet ﷺ performed 'Umrah four times, one of them was during Rajab." (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* is *Gharīb Ḥasan Ṣaḥīḥ*

تخریج: وأخرجه البخاري، العمرة، باب: كم اعتمر النبي ﷺ، ح: ١٧٧٥ من حديث منصور

به.

Comments:

The Prophet ﷺ did not perform any 'Umrah in Rajab, but performing 'Umrah in this month is proven from *Salaf* like 'Umar and Uthman, both of them performed 'Umrah in the month Rajab and Al-Muḥarram every year. 'Āishah also performed 'Umrah in Rajab. (*Ma'ārif* v.6. p.339.)

(المعجم ٩٣) - بَابُ مَا جَاءَ فِي عُمْرَةِ

رَجَبٍ (التحفة ٩٣)

٩٣٦ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا يَحْيَى

ابْنُ آدَمَ عَنْ أَبِي بَكْرِ بْنِ عِيَّاشٍ، عَنْ الْأَعْمَشِ، عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ، عَنْ عُرْوَةَ قَالَ: سُئِلَ ابْنُ عُمَرَ: فِي أَيِّ شَهْرٍ اعْتَمَرَ رَسُولُ اللَّهِ ﷺ؟ فَقَالَ: فِي رَجَبٍ، فَقَالَتْ عَائِشَةُ: مَا اعْتَمَرَ رَسُولُ اللَّهِ ﷺ إِلَّا وَهُوَ مَعَهُ - تَعْنِي ابْنَ عُمَرَ - وَمَا اعْتَمَرَ فِي شَهْرِ رَجَبٍ قَطُّ.

قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ غَرِيبٌ.

سَمِعْتُ مُحَمَّدًا يَقُولُ: حَبِيبُ بْنُ أَبِي ثَابِتٍ لَمْ يَسْمَعْ مِنْ عُرْوَةَ بْنِ الزُّبَيْرِ.

٩٣٧ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا

الْحَسَنُ بْنُ مُوسَى: حَدَّثَنَا شَيْبَانُ عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، عَنْ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ اعْتَمَرَ أَرْبَعًا إِحْدَاهُنَّ فِي رَجَبٍ.

قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ غَرِيبٌ حَسَنٌ

صَحِيحٌ.

Chapter 94. What Has Been Related About 'Umrah During *Dhul-Qa'dah*

938. Al-Barā' narrated: "The Prophet ﷺ performed 'Umrah during *Dhul-Qa'dah*." (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. There is something on this topic from Ibn 'Abbās.

(المعجم ٩٤) - بَابُ مَا جَاءَ فِي عُمْرَةِ
ذِي الْقَعْدَةِ (التحفة ٩٤)

٩٣٨ - حَدَّثَنَا الْعَبَّاسُ بْنُ مُحَمَّدٍ الدُّورِيُّ:
حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ [هُوَ] السَّلُولِيُّ
الْكُوفِيُّ عَنْ إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقَ، عَنْ
الْبَرَاءِ: أَنَّ النَّبِيَّ ﷺ اعْتَمَرَ فِي ذِي الْقَعْدَةِ.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.
وَفِي الْبَابِ عَنْ ابْنِ عَبَّاسٍ.

تخريج: [صحيح] وأخرجه البخاري، العمرة، باب: كم اعتمر النبي ﷺ، ح: ١٧٨١ من
حديث أبي إسحاق السبيعي به * وفي الباب عن ابن عباس [ابن ماجه، ح: ٢٩٩٦].

Comments:

The Prophet ﷺ performed four 'Umrah 1.) 'Umratul-Hudaibiyah which actually was not performed but its reward was given by Allāh ﷻ 2.) In the 7th year of Hijrah, 'Umratul-Qaḍā' was performed. 3.) The very next year at the time of the conquest of Makkah, 'Umrah of Ji'rānah was performed. 4.) In the 10th A.H. before the performance of *Hajj 'Umrah* was performed. The first three 'Umrah were performed in the month of *Dhul-Qa'dah*, and the fourth was performed in *Dhul-Hijjah* with *Hajj*, but its travel began in *Dhul-Qa'dah*.

Chapter 95. What Has Been Related About 'Umrah During *Ramaḍān*

939. Umm Ma'qil narrated that the Prophet ﷺ said: "'Umrah during Ramaḍān is equal to *Hajj*." (*Ṣaḥīḥ*)

There are narrations on this topic from Ibn 'Abbās, Jābir, Abū Hurairah, Anas, and Wahb bin *Khanbasha*. - He (Abū 'Eisā) said: And they say *Haram bin Khanbasha*- Bayān and Jābir said: "From *Ash-Sha'bi*, from Wahb bin *Khanbasha*." Dāwūd Al-Awdī said: "From *Ash-Sha'bi*, from *Haram bin Khanbasha*." And Wahb is more correct.

(المعجم ٩٥) - بَابُ مَا جَاءَ فِي عُمْرَةِ
رَمَضَانَ (التحفة ٩٥)

٩٣٩ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ: حَدَّثَنَا أَبُو
أَحْمَدَ الرُّبَيْرِيُّ: حَدَّثَنَا إِسْرَائِيلُ عَنْ أَبِي
إِسْحَاقَ، عَنْ الْأَسْوَدِ بْنِ يَزِيدَ، عَنْ ابْنِ أُمِّ
مَعْقِلٍ، عَنْ أُمِّ مَعْقِلٍ عَنِ النَّبِيِّ ﷺ قَالَ:
«عُمْرَةٌ فِي رَمَضَانَ تَعْدِلُ حَجَّةً».

وَفِي الْبَابِ عَنْ ابْنِ عَبَّاسٍ وَجَابِرٍ وَأَبِي
هُرَيْرَةَ وَأَنْسٍ، وَوَهْبِ بْنِ خَبَّشٍ. قَالَ - أَبُو
عِيسَى - وَيُقَالُ هَرَمُ بْنُ خَبَّشٍ. قَالَ بَيَّانُ
وَجَابِرٌ عَنِ الشَّعْبِيِّ، عَنْ وَهْبِ بْنِ خَبَّشٍ.

The *Hadīth* of Umm Ma'qil is a *Hasan Gharīb Hadīth* from this route.

Aḥmad and Ishāq said: It has been confirmed from the Prophet ﷺ that: “*Umrah* during Ramaḍān is equal to *Hajj*”

Ishāq said: “The meaning of this *Hadīth* is similar to what is reported about the Prophet ﷺ saying: ‘Whoever recites *Qul huwa Allāhu Aḥad* then he has recited a third of the Qur’ān.’”

تخريج: [صحيح] وأخرجه ابن ماجه، المناسك، باب العمرة في رمضان، ح: ٢٩٩٣ من حديث أبي إسحاق السبيعي به وله شواهد عن ابن ماجه، ح: ٢٩٩١ وغيره * وفي الباب عن ابن عباس [ابن ماجه، ح: ٢٩٩٤] وجابر [ابن ماجه، ح: ٢٩٩٥] وعلقه البخاري، ح: ١٨٦٣] وأبي هريرة [لم نجده] وأنس [ابن عدي في الكامل: ٢٥٧٧/٧] ووهب بن خنبل [ابن ماجه، ح: ٢٩٩١] * حديث داود الأودي: عند ابن ماجه، ح: ٢٩٩٢.

Comments:

This narration proves that as reward is increased due to Holy places (where the act was performed) the same way, reward is increased due to sacred times (when the act was performed).

Chapter 96. What Has Been Related About the One Who Says The *Talbiyah* For Hajj But He Suffers A Fracture Or Becomes Lame

940. 'Ikrimah narrated from Al-Hajjāj bin 'Amr who narrated that the Messenger of Allāh ﷺ said: “Whoever suffers a fracture or becomes lame then he (leaves the state of *Ihrām*) and is required to perform another *Hajj*.” I ('Ikrimah) mentioned that to Abū Hurairah and Ibn 'Abbās and they said: “He told the truth.” (*Sahīh*)

(Another chain of narrators, a similar *Hadīth* as above)

وَقَالَ دَاوُدُ الْأَوْدِيُّ عَنِ الشَّعْبِيِّ، عَنْ هَرَمِ بْنِ خَبَّشٍ: وَوَهَبُ أَصَحُّ.

وَحَدِيثُ أُمِّ مَعْقِلٍ حَدِيثٌ حَسَنٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ. وَقَالَ أَحْمَدُ وَإِسْحَاقُ: قَدْ ثَبَتَ عَنِ النَّبِيِّ ﷺ: «أَنَّ عُمْرَةً فِي رَمَضَانَ تَعْدِلُ حَجَّةً». قَالَ إِسْحَاقُ: مَعْنَى هَذَا الْحَدِيثِ مِثْلُ مَا رَوَى عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «مَنْ قَرَأَ قُلْ هُوَ اللَّهُ أَحَدٌ فَقَدْ قَرَأَ ثُلُثَ الْقُرْآنِ».

(المعجم ٩٦) - بَابُ مَا جَاءَ فِي الذِّبْرِ يَهْلُ بِالْحَجِّ فَيُكْسِرُ أَوْ يَعْزُجُ (التحفة ٩٦)

٩٤٠ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا رَوْحُ بْنُ عُبَادَةَ: أَخْبَرَنَا حَجَّاجُ الصَّوَّافِ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ عَنْ عِكْرَمَةَ قَالَ: حَدَّثَنِي الْحَجَّاجُ بْنُ عَمْرٍو قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كُسِرَ أَوْ عَزَجَ فَقَدْ حَلَّ وَعَلَيْهِ حَجَّةٌ أُخْرَى». فَذَكَرْتُ ذَلِكَ لِأَبِي هُرَيْرَةَ وَابْنِ عَبَّاسٍ فَقَالَا: صَدَقَ.

حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا مُحَمَّدٌ

Abū 'Eisā said: This *Hadīth* is *Hasan (Ṣaḥīḥ) Hadīth*. This has been reported by more than one from Al-Ḥajjāj Aṣ-Ṣawwāf, and it is similar to this narration.

Ma'mar and Mu'āwiyah bin Sallām reported this *Hadīth* from Yahya bin Abī Kathīr, from 'Ikrimah, from 'Abdullāh bin Rāfi', from Al-Ḥajjāj bin 'Amr, from the Prophet ﷺ. Ḥajjāj bin Aṣ-Ṣawwāf did not mention "Abdullāh bin Rāfi'" in his narration.

Hajjāj is a trustworthy *Hāfiz* according to the people of *Hadīth*.

I heard Muḥammad saying: "The narration of Ma'mar and Mu'āwiyah bin Sallām is more correct."

Another chain of narration with similar of meaning

ابْنُ عَبْدِ اللَّهِ الْأَنْصَارِيُّ عَنِ الْحَجَّاجِ. مِثْلُهُ، قَالَ: وَسَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ [صَحِيحٌ]. هَكَذَا رَوَاهُ غَيْرُ وَاحِدٍ عَنِ الْحَجَّاجِ الصَّوَّافِ نَحْوُ هَذَا الْحَدِيثِ. وَرَوَى مَعْمَرٌ وَمُعَاوِيَةُ بْنُ سَلَامٍ هَذَا الْحَدِيثَ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ عِكْرِمَةَ، عَنْ عَبْدِ اللَّهِ ابْنِ رَافِعٍ، عَنِ الْحَجَّاجِ بْنِ عَمْرِو عَنِ النَّبِيِّ ﷺ هَذَا الْحَدِيثَ. وَحَجَّاجُ الصَّوَّافِ لَمْ يَذْكُرْ فِي حَدِيثِهِ عَبْدَ اللَّهِ بْنَ رَافِعٍ. وَحَجَّاجٌ ثِقَّةٌ حَافِظٌ عِنْدَ أَهْلِ الْحَدِيثِ. وَسَمِعْتُ مُحَمَّدًا يَقُولُ: رَوَاهُ مَعْمَرٌ وَمُعَاوِيَةُ بْنُ سَلَامٍ أَصَحُّ.

حَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ عِكْرِمَةَ، عَنْ عَبْدِ اللَّهِ بْنِ رَافِعٍ، عَنِ الْحَجَّاجِ ابْنِ عَمْرِو عَنِ النَّبِيِّ ﷺ نَحْوَهُ.

تخريج: [إسناده صحيح] وأخرجه أبو داود، المناسك، باب الإحصار، ح: ١٨٦٢ وابن ماجه، ح: ٣٠٧٧ والنسائي: ١٩٨/٥، ح: ٢٨٦٣ من حديث حجاج الصواف به وصححه الحاكم على شرط البخاري: ٤٧٠/١، ٤٨٣ ووافقه الذهبي وأعل بما لا يقدح.

Comments:

If someone resumes *Ihrām* for *Hajj* and on his way some mishap happens, he meets some accident or fever overcomes him, or his means of maintenance are spent or some enemy blocks his way, or for some other unavoidable reason he is not able to reach Makkah and perform *Hajj*, according to the *Ahnāf* he will leave the state of *Ihrām* and will have to perform *Hajj* at some other time.

Chapter 97. What Has Been Related About Stating A Condition For Hajj

941. Ibn 'Abbās narrated:

(المعجم ٩٧) - بَابُ مَا جَاءَ فِي

الاشْتِرَاطِ فِي الْحَجِّ (التحفة ٩٧)

٩٤١ - حَدَّثَنَا زِيَادُ بْنُ أَيُّوبَ الْبَغْدَادِيُّ:

“Dubā‘ah bint Az-Zubair came to the Prophet ﷺ and said: ‘O Messenger of Allāh! I want to perform *Hajj* so should I state a condition?’ He said: ‘Yes.’ She asked: ‘So how should I say it?’ He said: ‘Say: “*Labbaik Allāhumma labbaika maḥillī minal-Ard haithu tahbisunī* (I respond to Your call O Allāh, I respond to Your call, I will exit *Ihrām* any where on the earth where You prevent me.”’ (*Hasan*)

(He said:) There are narrations on this topic from Jābir, Asmā’ (bint Abī Bakr), and ‘Aishah.

Abū ‘Eisā said: The *Ḥadīth* of Ibn ‘Abbās is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to some of the people of knowledge. They held the view that one could make a condition for *Hajj*, and they said that if one makes a condition and is faced with illness or an excuse, then he exits from his state of *Ihrām*. This is the view of Ash-Shāfi‘ī, Aḥmad, and Ishāq. Some of the people of knowledge did not think one could make a condition during *Hajj*, and they said if he were to make a condition, there is nothing for which he could exit from *Ihrām*, so they see him to be just like the one who did not make a condition.

حَدَّثَنَا عَبَادُ بْنُ الْعَوَّامِ عَنْ هِلَالِ بْنِ خَبَابٍ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ ضُبَاعَةَ بِنْتَ الزُّبَيْرِ أَتَتْ النَّبِيَّ ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ إِنِّي أُرِيدُ الْحَجَّ أَفَأَشْتَرِطُ؟ قَالَ: «نَعَمْ»، قَالَتْ: كَيْفَ أَقُولُ؟ قَالَ: «قُولِي لَيْتَكَ اللَّهُمَّ لَيْتَكَ مَحِلِّي مِنَ الْأَرْضِ حَيْثُ تَحْبِسُنِي».

[قَالَ:] وَفِي الْبَابِ عَنْ جَابِرٍ وَأَسْمَاءَ [بِنْتِ أَبِي بَكْرٍ] وَعَائِشَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ يَرَوْنَ الْأَشْتِرَاطَ فِي الْحَجِّ وَيَقُولُونَ: إِنْ اشْتَرَطَ فَعَرَضَ لَهُ مَرَضٌ أَوْ عَذْرٌ فَلَهُ أَنْ يَحِلَّ وَيَخْرُجَ مِنْ إِحْرَامِهِ. وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ. وَلَمْ يَرِ بَعْضُ أَهْلِ الْعِلْمِ الْأَشْتِرَاطَ فِي الْحَجِّ وَقَالُوا: إِنْ اشْتَرَطَ فَلَيْسَ لَهُ أَنْ يَخْرُجَ مِنْ إِحْرَامِهِ وَيَرَوْنَهُ كَمَنْ لَمْ يَشْتَرِطَ.

تخريج: [إسناده حسن] وأخرجه أبو داود، المناسك، باب الاشتراط في الحج، ح: ١٧٧٦ من حديث عباد بن العوام به ورواه مسلم، ح: ١٢٠٨ من حديث عكرمة به وهو متفق عليه من حديث أبي أسامة عن هشام بن عروة عن أبيه عن عائشة به * وفي الباب عن جابر [البیهقي: ٥/ ٢٢٢] وأسماء بنت أبي بكر [ابن ماجه، ح: ٢٩٣٦] وعائشة [البخاري، ح: ٥٠٨٩] ومسلم، ح: ١٢٠٧/ ١٠٥.

Chapter 98. Something Else About That

942. Sālim narrated that his father disliked making a condition during *Hajj* and he said: “Is not the *Sunnah* of your Prophet (ﷺ) enough for you?” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Ḥadīth* is *Hasan Ṣaḥīḥ*.

(المعجم ٩٨) - بَابُ: مِنْهُ (التحفة ٩٨)

٩٤٢ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ: أَخْبَرَنِي مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ: أَنَّهُ كَانَ يُنْكَرُ الْأَشْرَاطَ فِي الْحَجِّ وَيَقُولُ: أَلَيْسَ حَسْبُكُمْ سُنَّةُ نَبِيِّكُمْ [ﷺ]. قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: وأخرجه البخاري، المحصر، باب الإحصار في الحج، ح: ١٨١٠ من حديث عبد الله ابن المبارك به.

Comments:

Ibn ‘Umar was not aware of the narration of Ḍubā‘ah, that is why he objected to performing a conditional *Hajj*. Had he known this narration he would not have objected.

Chapter 99. What Has Been Related About A Woman Whose Menses Begin After *Al-Ifāḍah*

943. ‘Āishah narrated: “It was mentioned to the Messenger of Allāh ﷺ that Ṣafīyyah bint Ḥuyai got her menses during the days of Minā, so he said: “Will she prevent us (from departing)?” They said: “She has done (*Tawāf*) *Al-Ifāḍah*.” So the Messenger of Allāh ﷺ said: “In that case there is no harm.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ibn ‘Umar and Ibn ‘Abbās.

Abū ‘Eīsā said: The *Ḥadīth* of ‘Āishah is a *Hasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to the people of knowledge. When a woman performs *Tawāf Al-Ifāḍah* then her menses begin she may leave and there is nothing due from her. This is the view of Ath-Thawrī, Ash-Shāfi‘ī, Aḥmad, and Ishāq.

(المعجم ٩٩) - بَابُ مَا جَاءَ فِي الْمَرْأَةِ تَحِيضُ بَعْدَ الْإِفَادَةِ (التحفة ٩٩)

٩٤٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أَنَّهَا قَالَتْ: ذُكِرَ لِرَسُولِ اللَّهِ ﷺ: أَنَّ صَفِيَّةَ بِنْتَ حُجَيٍّ حَاضَتْ فِي أَيَّامٍ مَتَى فَقَالَ: «أَحَاسِبْتُنَا هِيَ»، قَالُوا: إِنَّهَا قَدْ أَفَاضَتْ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَلَا إِذَا».

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عُمَرَ وَابْنِ عَبَّاسٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ عَائِشَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ: أَنَّ الْمَرْأَةَ إِذَا طَافَتْ طَوَافَ الْإِفَادَةِ ثُمَّ حَاضَتْ فَإِنَّهَا تَنْتَفِرُ وَلَيْسَ عَلَيْهَا شَيْءٌ. وَهُوَ قَوْلُ الثَّوْرِيِّ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ.

تخريج: متفق عليه، وأخرجه مسلم، ح: ١٢١١ من حديث عبدالرحمن بن القاسم بن محمد، البخاري، ح: ١٧٣٣ من حديث القاسم بن محمد به * وفي الباب عن ابن عمر [يأتي: ٩٤٤] وابن عباس [يأتي: ٩٤٥].

Comments:

Solution of the Problem: If the menses of a woman start before performing *Tawāf Al-Ifādah* and her stay in Makkah is not possible, as the date and time of her departure from Makkah is fixed, and there is no possibility of change in this schedule, in this difficult situation, according to Hāfiẓ Ibn Taimiyyah, she should take bath and perform *Tawāf Al-Ifādah*, and she will pay the penalty (sacrifice of an animal in the limits of the *Haram*. (for more details see *Fatāwa Ibn Taimiyyah* v.26 p. 242-244.)

944. Ibn ‘Umar said: “Whoever performs *Hajj* to the House, then let the last of their acts be at the House, except for menstruating women. The Messenger of Allāh ﷺ gave them permission (to leave).” (*Ṣaḥīḥ Mawqūf*)

Abū ‘Eisā said: The *Ḥadīth* of Ibn ‘Umar is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to the people of knowledge.

٩٤٤ - حَدَّثَنَا أَبُو عَمَّارٍ: حَدَّثَنَا عِيسَى ابْنُ يُونُسَ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: مَنْ حَجَّ الْبَيْتَ فَلْيَكُنْ آخِرُ عَهْدِهِ بِالْبَيْتِ إِلَّا الْحَيْضَ، وَرَخَّصَ لَهُنَّ رَسُولُ اللَّهِ ﷺ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عُمَرَ حَدِيثٌ حَسَنٌ صَحِيحٌ وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ.

تخريج: [إسناده صحيح موقوف] وأخرجه النسائي في الكبرى، ح: ٤١٩٦ من حديث عيسى ابن يونس به وصححه ابن حبان (الإحسان): ٣٨٨٨، والحاكم: ٤٦٩/١، ٤٧٠ على شرط الشيخين وقال الذهبي: "خرجا أصله" وانظر، ح: ٩٤٦.

Chapter 100. What Has Been Related About Which Rites Are Carried Out By the Menstruating Woman

945. ‘Āishah narrated: “I got my menses so the Prophet ﷺ ordered me to carry out all of the rites except for *Tawāf* around the House.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This is acted upon according to the people of knowledge. The menstruating woman carries out all of the rites besides *Tawāf* around

(المعجم ١٠٠) - بَابُ مَا جَاءَ مَا تَقْضِي الْحَائِضُ مِنَ الْمَنَاسِكِ (التحفة ١٠٠)

٩٤٥ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا شَرِيكٌ عَنْ جَابِرٍ - وَهُوَ ابْنُ يَزِيدَ الْجُعْفِيُّ -، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْأَسْوَدِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: حِضْتُ فَأَمَرَنِي النَّبِيُّ ﷺ أَنْ أَقْضِيَ الْمَنَاسِكَ كُلَّهَا إِلَّا الطَّوَافَ بِالْبَيْتِ.

the House. This *Hadīth* was reported from ‘Āishah through routes other than this as well.

قَالَ أَبُو عِيسَى: وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ أَهْلِ الْعِلْمِ أَنَّ الْحَائِضَ تَقْضِي الْمَنَاسِكَ كُلَّهَا مَا خَلَا الطَّوَافَ بِالْبَيْتِ. وَقَدْ رُوِيَ هَذَا الْحَدِيثُ عَنْ عَائِشَةَ مِنْ غَيْرِ هَذَا الْوَجْهِ أَيْضًا.

تخريج: [صحيح] وأخرجه أحمد: ١٣٧/٦ من حديث جابر الجعفي به وسنده ضعيف جدًا وله طريق آخر عند البخاري، ح: ١٥٦١.

945 B. Ibn ‘Abbās narrated (that the Prophet ﷺ said): “The women in post-natal bleeding and menses were to perform *Ghusl*, enter *Ihrām* and carry out all of the rites except for *Tawāf* around the House, until they become clean.” (*Da‘īf*)

[Abū ‘Eīsā said:] This *Hadīth* is *Hasan Gharīb*.

٩٤٥ م - حَدَّثَنَا زِيَادُ بْنُ أَيُّوبَ: حَدَّثَنَا مَرْوَانُ بْنُ شُجَاعٍ الْجَزَرِيُّ عَنْ خُصَيْفٍ، عَنْ عِكْرِمَةَ وَمُجَاهِدٍ وَعَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ - رَفَعَ الْحَدِيثَ إِلَى رَسُولِ اللَّهِ ﷺ - «أَنَّ النِّسَاءَ وَالْحَائِضَ تَغْتَسِلُ وَتُحْرَمُ وَتَقْضِي الْمَنَاسِكَ كُلَّهَا غَيْرَ أَنْ لَا تَطُوفَ بِالْبَيْتِ حَتَّى تَطْهُرَ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، المناسك، باب الحائض تهل بالحج، ح: ١٧٤٤ من حديث مروان بن شجاع به خفيف ضعيف مشهور.

Chapter 101. What Has Been Related About Whoever Performs Hajj Or ‘Umrah Then Let The Last Of His Acts Be At The House

946. Al-Ḥārith bin ‘Abdullāh bin Aws said: “I heard the Prophet ﷺ saying: ‘Whoever performs *Hajj* to this House, or “*Umrah*, then let the last of his acts be at the House.” So ‘Umar said: “May your hand be humiliated! You heard this from the Messenger of Allāh ﷺ but did not inform us of it?” (*Da‘īf*)

(المعجم ١٠١) - بَابُ مَا جَاءَ مَنْ حَجَّ أَوْ اعْتَمَرَ فَلْيَكُنْ آخِرُ عَهْدِهِ بِالْبَيْتِ (التحفة ١٠١)

٩٤٦ م - حَدَّثَنَا نَصْرُ بْنُ عَبْدِ الرَّحْمَنِ الْكُوفِيُّ: حَدَّثَنَا الْمُحَارِبِيُّ عَنْ الْحَجَّاجِ بْنِ أَرْطَاطَ، عَنْ عَبْدِ الْمَلِكِ بْنِ مُغِيرَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْبَيْلَمَانِيِّ، عَنْ عَمْرِو بْنِ أَوْسٍ، عَنْ الْحَارِثِ بْنِ عَبْدِ اللَّهِ بْنِ أَوْسٍ قَالَ:

(He said:) There is something on this topic from Ibn ‘Abbās.

Abū ‘Eisā said: The *Hadīth* of Al-Ḥārith bin ‘Abdullāh bin Aws is a *Gharīb Hadīth*. This was reported by more than one from Al-Ḥajjāj bin Arṭāh, and it is similar to this. Al-Ḥajjāj was contradicted in some of this chain.

سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «مَنْ حَجَّ هَذَا الْبَيْتَ أَوْ اعْتَمَرَ فَلْيَكُنْ آخِرُ عَهْدِهِ بِالْبَيْتِ». فَقَالَ لَهُ عُمَرُ: خَرَرْتَ مِنْ يَدَيْكَ، سَمِعْتُ هَذَا مِنْ رَسُولِ اللَّهِ ﷺ وَلَمْ تُخْبِرْنَا بِهِ؟

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عَبَّاسٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ الْحَارِثِ بْنِ عَبْدِ اللَّهِ بْنِ أَوْسٍ حَدِيثٌ غَرِيبٌ. وَهَكَذَا رَوَى غَيْرُ وَاحِدٍ عَنِ الْحَجَّاجِ بْنِ أَرْطَاةٍ مِثْلَ هَذَا. وَقَدْ خُولِفَ الْحَجَّاجُ فِي بَعْضِ هَذَا الْإِسْنَادِ.

تخريج: [إسناده ضعيف] وأخرجه أحمد: ٤١٦/٣ من حديث الحجاج بن أرتاة به وهو ضعيف حديث أبي داود، ح: ٢٠٠٤ يعني عنه * وفي الباب عن ابن عباس [مسلم، ح: ١٣٢٧].

Comments:

Ḥārith bin ‘Abdullāh bin Aws asked about the *Tawāf* of departing though he had heard about this issue from the Prophet ﷺ. For this reason ‘Umar showed his annoyance and said if he had heard it from the Prophet ﷺ, why he did not mention it.

Chapter 102. What Has Been Related About: The *Qārin* Performs One *Tawāf*

947. Jābir narrated: “The Messenger of Allāh ﷺ performed *Qaran* for *Hajj* and ‘*Umrah*, so he performed one *Tawāf* for both of them.” (*Ṣaḥīh*)

(He said:) There are narrations on this topic from Ibn ‘Umar and Ibn ‘Abbās.

Abū ‘Eisā said: The *Hadīth* of Jābir is a *Ḥasan Hadīth*. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They said that the *Qārin* performs one *Tawāf*. This is

(المعجم ١٠٢) - بَابُ مَا جَاءَ أَنَّ الْقَارِنَ يَطُوفُ طَوَافًا وَاحِدًا (التحفة ١٠٢)

٩٤٧ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْحَجَّاجِ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ: أَنَّ رَسُولَ اللَّهِ ﷺ قَرَنَ الْحَجَّ وَالْعُمْرَةَ فَطَافَ لَهُمَا طَوَافًا وَاحِدًا.

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عُمَرَ وَابْنِ عَبَّاسٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ جَابِرٍ حَدِيثٌ حَسَنٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ قَالُوا: الْقَارِنُ يَطُوفُ طَوَافًا وَاحِدًا. وَهُوَ قَوْلُ

the view of Ash-Shāfi'i, Aḥmad, and Ishāq. Some of the people of knowledge among the Companions of the Prophet ﷺ and others said that he performs *Tawāf* twice and he performs *Sa'ī* twice. This is the view of Ath-Thawrī and the people of Al-Kūfah.

الشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ يَطُوفُ طَوَافَيْنِ وَيَسْعَى سَعْيَيْنِ وَهُوَ قَوْلُ الثَّوْرِيِّ وَأَهْلِ الْكُوفَةِ.

تخريج: [صحيح] وأخرجه أبو داود، المناسك، باب طواف القارن، ح: ١٨٩٥ بإسناد صحيح عن أبي الزبير قال: سمعت جابر بن عبد الله به وأصله عند مسلم، ح: ١٢١٥ وللحديث شواهد منها الحديث الآتي * وفي الباب عن ابن عمر، [يأتي: ٩٤٨] وابن عباس [ابن ماجه، ح: ٢٩٧٢].

Comments:

All the *A'immah* and the people of knowledge agree that a person performing *Hajj Qirān* will perform one *Tawāf* and *Sa'ī* only. (*Tuhfat Al-Aḥwadhī* v.2. p.119.) It should be remembered that here, one *Tawāf* means that *Tawāf* which is accompanied by *Sa'ī*. After voluntary *Tawāf* there is no *Sa'ī*. There is no restriction on the number of voluntary *Tawāf*, one can perform as many as one wishes. *Tawāf Al-Ifādah* and *Tawāf Al-Wadā'* are essential. (see *Fath Al-Bārī* v.3. p. 624-626.)

948. Ibn 'Umar narrated that the Messenger of Allāh ﷺ said: "Whoever assumes *Ihrām* for *Hajj* and '*Umrah*, then it is acceptable for him to perform one *Tawāf* and one *Sa'ī* for them both, until he exits *Ihrām* for both of them together." (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Gharīb Ṣaḥīḥ*, Ad-Darāwardī is alone with that wording. It has been reported by more than one from 'Ubaidullāh bin 'Umar, and they did not mention it as *Marfū'*, and that is more correct.

٩٤٨ - حَدَّثَنَا خَلَادُ بْنُ أَسْلَمَ الْبَغْدَادِيُّ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَحْرَمَ بِالْحَجِّ وَالْعُمْرَةِ أَجْزَاهُ طَوَافٌ وَاحِدٌ وَسَعْيٌ وَاحِدٌ عَنْهُمَا حَتَّى يَجْلُ مِنْهُمَا جَمِيعًا».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ صَحِيحٌ تَقَرَّدَ بِهِ الدَّرَاوَرْدِيُّ عَلَى ذَلِكَ اللَّفْظِ. وَقَدْ رَوَاهُ غَيْرٌ وَاحِدٌ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ وَلَمْ يَرْفَعُوهُ وَهُوَ أَصَحُّ.

تخريج: [إسناده صحيح] وأخرجه ابن ماجه، المناسك، باب طواف القارن، ح: ٢٩٧٥ من حديث عبدالعزيز بن محمد الدراوردي به وله علة غير قاذحة وصححه ابن خزيمة، ح: ٢٧٤٥ وابن حبان، ح: ٩٩٣ وابن الجارود، ح: ٤٦٠.

Chapter 103. What Has Been Related About The *Muhājir* Staying In Makkah For Three Days After Returning (From Minā)

949. Al-‘Alā’ bin Al-Ḥaḍramī narrated (that the Prophet ﷺ said): “The *Muhājir* may stay for three (days) in Makkah after carrying out his rites.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. This *Ḥadīth* has been reported in *Marfū’* form by more than one route.

(المعجم ١٠٣) - بَابُ مَا جَاءَ أَنْ مَكَثَ الْمُهَاجِرُ بِمَكَّةَ بَعْدَ الصَّدْرِ ثَلَاثًا
(التحفة ١٠٣)

٩٤٩ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ حُمَيْدٍ سَمِعْتُ السَّائِبَ بْنَ يَزِيدَ عَنِ الْعَلَاءِ بْنِ الْحَضْرَمِيِّ - يَعْنِي مَرْفُوعًا - قَالَ: يَمْكُثُ الْمُهَاجِرُ بَعْدَ قَضَاءِ نُسُكِهِ بِمَكَّةَ ثَلَاثًا.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رَوَى مِنْ غَيْرِ هَذَا الْوَجْهِ بِهَذَا الْإِسْنَادِ مَرْفُوعًا.

تخريج: متفق عليه، وأخرجه مسلم، الحج، باب جواز الإقامة بمكة ... إلخ، ح: ١٣٥٢ من حديث سفيان بن عيينة والبخاري، ح: ٣٩٣٣ من حديث عبدالرحمن بن حميد به.

Comments:

An emigrant who has migrated from Makkah cannot reside in Makkah again. Upon the return from Minā on the 13th of *Dhul-Hijjah* to Makkah, one can stay for three days only, and these three days will not be considered residence in Makkah. (For details See, *Faṭḥ Al-Bārī* v. 7. Chapter on Residence of an emigrant.)

Chapter 104. What Has Been Related About What To Say When Coming Home After *Hajj* And ‘*Umrah*

950. Ibn ‘Umar said: “When the Prophet ﷺ would come home from a battle, or *Hajj*, or ‘*Umrah*, when he was it a tract of land or raised area he would say ‘*Allāhu Akbar* (Allāh is Most Great)’ three times, then say: ‘*Lā Ilāha illallāh Waḥdahu lā sharīka lahu, lahul-mulku wa lahul-Ḥamdu wa Huwa ‘alā kulli shai’in qadīr. Ā’ibūna tā’ibūn ‘ābidūn saā’ihūna li Rabbina Ḥamidūna, Ṣadaqaillāhu*

(المعجم ١٠٤) - بَابُ مَا جَاءَ مَا يَقُولُ عِنْدَ الْقُفُولِ مِنَ الْحَجِّ وَالْعُمْرَةِ
(التحفة ١٠٤)

٩٥٠ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: كَانَ النَّبِيُّ ﷺ إِذَا قَفَلَ مِنْ غَزْوَةٍ أَوْ حَجٍّ أَوْ عُمْرَةٍ فَعَلًا فَذَفَدًا مِنَ الْأَرْضِ أَوْ شَرْفًا كَبَّرَ ثَلَاثًا ثُمَّ قَالَ: «لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ، أَيُّونَ

wa'dahu wa naṣara 'abdahu wa hazamal-aḥzāb Wahdah. (None has the right to be worshipped but Allāh Alone without partners. To Him belongs the sovereignty and to Him belongs the praise, and He has power over all things. We are returning, repenting, worshipping, traveling for our Lord, and we are praising. Allāh has told the truth, and kept His promise and helped His worshipper, and routed the confederates, Alone.”) (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Al-Barā', Anas, and Jābir.

Abū 'Eīsā said: The *Ḥadīth* of Ibn 'Umar is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

تخريج: متفق عليه، وأخرجه مسلم، الحج، باب ما يقول إذا رجع من سفر الحج وغيره، ح: ١٣٤٤ من حديث إسماعيل وهو ابن عليّة، البخاري، ح: ١٧٩٧ من حديث نافع به * وفي الباب عن البراء [يأتي: ٣٤٤٠] وأنس [البخاري، ح: ٣٠٨٥ ومسلم، ح: ١٣٤٥] وجابر [البخاري، ح: ٢٩٩٣].

Comments:

The Prophet ﷺ in his travel or sojourn always asked Allāh's blessings according to the need of the situation. The reason behind making these supplications was to praise Allāh ﷻ and express His greatness, and confess one's humbleness. This is all for the guidance of the Muslims and to show them that a man may attain the greatest status in this world, but before Allāh ﷻ he is always weak, humble and slave of Allāh. Man is always in need of Allāh's help and guidance.

Chapter 105. What Has Been Related About The *Muḥrim* Who Dies In His *Iḥrām*

951. Ibn 'Abbās narrated: “We were with the Messenger of Allāh on a journey when he saw a man fall from his camel, his neck was broken and he died, and he was a *Muḥrim*. So the Messenger of Allāh ﷺ said: ‘Wash him with water and *Sidr*, and shroud him in his garments, and do

تَأْتِيُونَ عَابِدُونَ سَائِحُونَ لِرَبِّنَا حَامِدُونَ، صَدَقَ اللَّهُ وَعْدَهُ وَنَصَرَ عَبْدَهُ وَهَزَمَ الْأَحْزَابَ وَخَذَهُ.”

[قَالَ:] وَفِي الْبَابِ عَنِ الْبَرَاءِ وَأَنْسٍ وَجَابِرٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عُمَرَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

(المعجم ١٠٥) - بَابُ مَا جَاءَ فِي الْمُحْرِمِ يَمُوتُ فِي إِحْرَامِهِ (التحفة ١٠٥)
٩٥١ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: كُنَّا مَعَ النَّبِيِّ ﷺ فِي سَفَرٍ فَرَأَى رَجُلًا سَقَطَ عَنْ بَعِيرِهِ فَوَقَصَ فَمَاتَ وَهُوَ مُحْرِمٌ، فَقَالَ رَسُولُ

not cover his head. For indeed he will be resurrected on the Day of Judgement saying the *Talbiyah*.”

(*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. [This is acted upon according to some of the people of knowledge.] It is the saying of Sufyān Ath-Thawrī, Ash-Shāfi‘ī, Aḥmad, and Ishāq. Some of the people of knowledge said that when the *Muḥrim* dies his *Ihrām* ends, and what is to be done with a non-*Muḥrim* is what is to be done with him.

اللَّهُ ﷻ: «اغْسِلُوهُ بِمَاءٍ وَسِدْرٍ وَكَفَّنُوهُ فِي ثَوْبَيْهِ وَلَا تُخَمِّرُوا رَأْسَهُ، فَإِنَّهُ يُبْعَثُ يَوْمَ الْقِيَامَةِ يَهُلُّ أَوْ يُلْبِي».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. [وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ] وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: إِذَا مَاتَ الْمُحْرِمُ انْقَطَعَ إِحْرَامُهُ وَيُصْنَعُ بِهِ كَمَا يُصْنَعُ بِغَيْرِ الْمُحْرِمِ.

تخريج: متفق عليه، وأخرجه مسلم، الحج، باب ما يفعل بالمحرم إذا مات، ح: ١٢٠٦ من حديث سفيان بن عيينة والبخاري، ح: ١٨٤٩ من حديث عمرو بن دينار به.

Comments:

On the basis of this narration, Imām Ash-Shāfi‘ī Imām Aḥmad, Ishāq and Az-Zāhriyyah all say that after the death of a *Muḥrim* the deceased remains in the state of *Ihrām*, therefore, his head should not be covered, and no perfume should be sprinkled on his body or coffin. This is the correct view that emerges from the narration.

Chapter 106. What Has Been Related About: If The *Muḥrim*'s Eyes Bother Him Then He May Use A Bandage With Aloes

952. Nubaih bin Wahb narrated that ‘Umar bin ‘Ubaidullāh bin Ma‘mar was complaining about his eyes while he was a *Muḥrim*. He asked Abān bin ‘Uthmān about it and he said: “Bandage it with some aloes, for I heard ‘Uthmān bin ‘Affān mentioning that the Messenger of Allāh ﷺ said: ‘Bandage it with aloes.’” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Ḥadīth* is

(المعجم ١٠٦) - بَابُ مَا جَاءَ فِي الْمُحْرِمِ يَشْتَكِي عَيْنَهُ فَيُضْمِدُهَا بِالصَّبْرِ (التحفة ١٠٦)

٩٥٢ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ أَيُّوبَ بْنِ مُوسَى، عَنْ نُبَيْهِ بْنِ وَهْبٍ: أَنَّ عُمَرَ بْنَ عَبْدِ اللَّهِ بْنِ مَعْمَرٍ اشْتَكَى عَيْنَيْهِ وَهُوَ مُحْرِمٌ فَسَأَلَ أَبَانَ بْنَ عُثْمَانَ فَقَالَ: اضْمِدْهُمَا بِالصَّبْرِ فَإِنِّي سَمِعْتُ عُثْمَانَ بْنَ عَفَّانَ يَذْكُرُهُ عَنْ رَسُولِ اللَّهِ ﷺ يَقُولُ: «اضْمِدْهُمَا بِالصَّبْرِ».

Hasan Ṣaḥīḥ. This is acted upon according to the people of knowledge, they did not see any harm in a *Muḥrim* being treated with some treatment as long as it did not have any perfume in it.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ لَا يَرَوْنَ بَأْسًا أَنْ يَتَذَوَّى الْمُحْرِمُ بِدَوَاءٍ مَا لَمْ يَكُنْ فِيهِ طِيبٌ.

تخريج: وأخرجه مسلم، الحج، باب جواز مداواة المحرم عينيه، ح: ١٢٠٤ من حديث سفيان بن عيينة به.

Comments:

It is unanimously agreed upon that a *Muḥrim* can use aloes ointment, which has no perfume, for his eye ailment. There is no penalty on him if he uses odorless medicine, but if he uses a perfumed medicine, there will be a penalty on him.

Chapter 107. What Has Been Related About What Is Required From A *Muḥrim* Who Shaves His Head While In *Iḥrām*

(المعجم ١٠٧) - بَابُ مَا جَاءَ فِي الْمُحْرِمِ بِخَلْقِ رَأْسِهِ فِي إِحْرَامِهِ مَا عَلَيْهِ (التحفة ١٠٧)

953. ‘Abdur-Raḥmān bin Abī Laila narrated from Ka’b bin ‘Ujrah that the Prophet ﷺ passed by him while he was at Al-Ḥudaiibiyah, before entering Makkah, and he was a *Muḥrim*. He had lit a fire under a cooking pot and lice were falling all over his face. So he (the Prophet ﷺ) said: “Have these lice of yours troubled you?” He said: “Yes.” He said: “Shave and feed six of the poor with a *Faraq*” and a *Faraq* is three *Ṣā’* - “or fast three days, or slaughter a sacrifice.” Ibn Abī Najīḥ (one of the narrators) said: “Or slaughter a sheep.” (*Ṣaḥīḥ*)

٩٥٣ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ أَيُّوبَ [السَّخْنِيَانِيُّ] وَابْنِ أَبِي نَجِيحٍ وَحُمَيْدُ الْأَعْرَجِ وَعَبْدُ الْكَرِيمِ عَنْ مُجَاهِدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى، عَنْ كَعْبِ بْنِ عُجْرَةَ: أَنَّ النَّبِيَّ ﷺ مَرَّ بِهِ وَهُوَ بِالْحُدَيْبِيَّةِ قَبْلَ أَنْ يَدْخُلَ مَكَّةَ وَهُوَ مُحْرِمٌ، وَهُوَ يوقِدُ نَحْتِ قَذِرٍ وَالْقَمَلُ يَتَهَافَتُ عَلَى وَجْهِهِ فَقَالَ: «أَتُؤْذِيكَ هَوَامُّكَ هَذِهِ؟» فَقَالَ: نَعَمْ، فَقَالَ: «اخْلُقْ وَأَطْعِمْ فَرَقًا بَيْنَ سِتَّةٍ مَسَاكِينَ - وَالْفَرَقُ ثَلَاثَةُ أَصْعَ - «أَوْ صُمْ ثَلَاثَةَ أَيَّامٍ أَوْ انْسُكْ نَسِيكَةً» قَالَ ابْنُ أَبِي نَجِيحٍ: أَوْ ادْبَحْ شَاةً.

Abū ‘Eisā said: This *Ḥadīth* is *Hasan Ṣaḥīḥ*.

This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. When a *Muḥrim* shaves [his head], or wears some clothing

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: أَنَّ الْمُحْرِمَ

that he is not supposed to wear during his *Ihrām*, or he uses perfume, then he has to pay an atonement similar to what was mentioned by the Prophet ﷺ.

إِذَا حَلَقَ [رَأْسَهُ] أَوْ لَبَسَ مِنَ الثَّيَابِ مَا لَا يَنْبَغِي لَهُ أَنْ يَلْبَسَ فِي إِحْرَامِهِ أَوْ تَطَيَّبَ فَعَلَيْهِ الْكَفَّارَةُ بِمِثْلِ مَا رَوَى عَنِ النَّبِيِّ ﷺ.

تخريج: وأخرجه مسلم، الحج، باب جواز حلق الرأس للمحرم إذا كان به أذى . . . إلخ، ح: ١٢٠١ عن محمد بن أبي عمر به والبخاري، ح: ١٨١٤ من حديث حميد الأعرج به.

Comments:

If a *Muḥrim* has a problem with his head, and needs to shave his head, all agree that he can do it, but have to pay the penalty. He will have to either slaughter an animal, or fast for three days, or feed six poor persons.

Chapter 108. What Has Been Related About Giving Permission For The Shepherds To Stone A Day And Leave (Stoning) A Day

954. Abī Al-Baddāḥ bin ‘Adī narrated from his father: “The Prophet ﷺ permitted the shepherds to stone a day and leave a day.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This is how Ibn ‘Uyainah reported it. Mālik bin Anas reported it from ‘Abdullāh bin Abī Bakr, from his father, from Abū Al-Baddāḥ bin ‘Āṣim bin ‘Adī from his father. The narration of Mālik is more correct.

There are those among the people of knowledge who permitted the shepherds to stone a day and leave (stoning for) a day, and this is the view of *Ash-Shāfi‘ī*.

(المعجم ١٠٨) - بَابُ مَا جَاءَ فِي الرُّخْصَةِ لِلرُّعَاةِ أَنْ يَرْمُوا يَوْمًا وَيَدْعُوا يَوْمًا (التحفة ١٠٨)

٩٥٤ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ [ابْنُ عُيَيْنَةَ] عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ ابْنِ مُحَمَّدٍ بْنِ عَمْرِو بْنِ حَزْمٍ، عَنْ أَبِيهِ، عَنْ أَبِي الْبَدَّاحِ بْنِ عَدِيٍّ، عَنْ أَبِيهِ: أَنَّ النَّبِيَّ ﷺ رَخَّصَ لِلرُّعَاةِ أَنْ يَرْمُوا يَوْمًا وَيَدْعُوا يَوْمًا. قَالَ أَبُو عِيسَى: هَكَذَا رَوَى ابْنُ عُيَيْنَةَ. وَرَوَى مَالِكُ بْنُ أَنَسٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ أَبِيهِ، عَنْ أَبِي الْبَدَّاحِ بْنِ عَاصِمٍ ابْنِ عَدِيٍّ، عَنْ أَبِيهِ. وَرَوَاهُ مَالِكُ أَصَحُّ. وَقَدْ رَخَّصَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ لِلرُّعَاةِ أَنْ يَرْمُوا يَوْمًا وَيَدْعُوا يَوْمًا وَهُوَ قَوْلُ الشَّافِعِيِّ.

تخريج: [إسناده صحيح] وأخرجه ابن ماجه، المناسك من عذر، ح: ٣٠٣٦ من حديث سفيان بن عيينة به وصرح بالسماع عند الحميدي، ح: ٨٥٦ وصححه ابن خزيمة، ح: ٢٩٧٦، إتحاف المهرة ٦/٣٨٣، ح: ٦٦٧٨ وابن الجارود، ح: ٤٧٨ وابن حبان، ح: ١٠١٥ ورواه أبو داود، ح: ١٩٧٥ من حديث عبدالله بن أبي بكر به.

Comments:

Spending the night in Minā is *Sunnah* according to Imām Abū Ḥanīfah and Imām Aḥmad. If the night is not spent in Minā, it is disliked and disapproved, but there is no penalty for it. (*Al-Mughnī* v. 5. p.325) According to Imām Mālik and Ash-Shāfi'ī, spending the night in Minā is obligatory.

955. Abī Al-Baddāḥ bin 'Āṣim bin 'Adī narrated from his father: "The Messenger of Allāh ﷺ permitted the camel herders who were in the camp (at Minā) to stone on the Day of *An-Naḥr* then to gather the stoning of two days after the Day of *An-Naḥr*, so that they stoned them during one of them." Mālik said: "I think that he said about the first of them: 'Then they should stone on the day of departure.'" (*Ṣaḥīḥ*)

(He said:) This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*, and it is more correct than the narration of Ibn 'Uyainah from 'Abdullāh bin Abī Bakr.

٩٥٥ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ:

حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ:

حَدَّثَنِي عَبْدُ اللَّهِ بْنُ أَبِي بَكْرٍ عَنْ أَبِيهِ، عَنْ

أَبِي الْبَدَّاحِ بْنِ عَاصِمٍ بْنِ عَدِيٍّ، عَنْ أَبِيهِ

قَالَ: رَخَّصَ رَسُولُ اللَّهِ ﷺ لِرُعَاةِ الْإِبِلِ فِي

الْيَتُوثَةِ أَنْ يَرْمُوا يَوْمَ النَّحْرِ ثُمَّ يَجْمَعُوا رَمِيَّ

يَوْمَيْنِ بَعْدَ يَوْمِ النَّحْرِ فَيَرْمُوهُ فِي أَحَدِهِمَا -

قَالَ مَالِكٌ: ظَنَنْتُ أَنَّهُ قَالَ فِي الْأَوَّلِ مِنْهُمَا

- ثُمَّ يَرْمُونَ يَوْمَ النَّفَرِ.

[قَالَ أَبُو عِيسَى:] وَهَذَا حَدِيثٌ حَسَنٌ

صَحِيحٌ. وَهُوَ أَصَحُّ مِنْ حَدِيثِ ابْنِ عُيَيْنَةَ،

عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ.

تخريج: [إسناده صحيح] وأخرجه أبو داود، المناسك، باب: في رمي الجمار، ح: ١٩٧٥ من حديث مالك به وهو في الموطأ: ٤٠٨/١ (يحيى) وصححه ابن خزيمة، ح: ٢٩٧٥ وابن حبان، ح: ١٠١٥ والحاكم: ٤٧٨/١، ٤٢٠/٣ ووافقه الذهبي.

Comments:

Most of the scholars agree, and their point of view is that the stoning of the 11th and 12th of *Dhul-Hijjah* (*Ma'ārif* v. 6. p. 410.) and then one can be combined on one of those days, stones again on the 13th of *Dhul-Hijjah*. Imām *Khattābī* has quoted this from Imām Mālik and Imām *Shāfi'ī*.

Chapter 109. (For A Man To Begin The *Talbiyah* As The Prophet ﷺ Did)

956. Anas bin Mālik narrated: "When 'Alī returned to the Messenger of Allāh ﷺ from Yemen he said: 'For what did you intended the *Talbiyah*?' He replied: 'I intended the *Talbiyah* for what

(المعجم ١٠٩) - بَابُ [إِهْلَالِ الرَّجُلِ

كَإِهْلَالِ النَّبِيِّ ﷺ] (التحفة ١٠٩)

٩٥٦ - حَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ عَبْدِ

الصَّمَدِ بْنِ عَبْدِ الْوَارِثِ قَالَ: حَدَّثَنِي أَبِي:

حَدَّثَنَا سُلَيْمُ بْنُ حَبَّانٍ قَالَ: سَمِعْتُ مَرْوَانَ

الْأَصْفَرَ عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ عَلِيًّا قَدِمَ

the Messenger of Allāh ﷺ announced it.' So he (ﷺ) said: 'If I did not have the *Hadī* with me then I would exit *Ihrām*.'" (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Hadīth* is *Hasan* (*Ṣaḥīḥ*) *Gharīb* from this route.

عَلَى رَسُولِ اللَّهِ ﷺ مِنَ الْيَمَنِ فَقَالَ: «بِمَا أَهْلُتُ؟» قَالَ: أَهْلُتُ بِمَا أَهَلَ بِهِ رَسُولُ اللَّهِ ﷺ، قَالَ: «لَوْ لَا أَنَّ مَعِيَ هَذَا لَأَخْلُتُ».
قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ [صَحِيحٌ] غَرِيبٌ مِنْ هَذَا الْوَجْهِ.

تخريج: متفق عليه، وأخرجه البخاري، الحج، باب من أهل في زمن النبي ﷺ كإهلال النبي ﷺ، ح: ١٥٥٨ ومسلم، ح: ١٢٥٠ من حديث عبد الصمد بن عبد الوارث به.

Comments:

Imām Ibn Qudāmah writes that assuming unspecified *Ihrām*, and to follow some other one's *Ihrām* is approved. There is no difference of opinion in it. (*Al-Mughnī* v. 5, p. 97.)

Chapter 110. What Has Been Related About The Day Of *Al-Hajj Al-Akbar*

957. 'Alī narrated: "I asked the Messenger of Allāh ﷺ about the day of *Al-Hajj Al-Akbar* and he said: 'The Day of *An-Nahr*.'" (*Ṣaḥīḥ*)

(المعجم ١١٠) - بَابُ [مَا جَاءَ فِي يَوْمِ الْحَجِّ الْأَكْبَرِ] (التحفة ١١٠)

٩٥٧ - حَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ عَبْدِ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ: حَدَّثَنَا أَبِي عَنْ أَبِيهِ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْحَارِثِ، عَنْ عَلِيِّ قَالَ: سَأَلْتُ رَسُولَ اللَّهِ ﷺ عَنْ يَوْمِ الْحَجِّ الْأَكْبَرِ فَقَالَ: «يَوْمُ النَّحْرِ».

تخريج: [صحيح] وأخرجه ابن أبي حاتم في تفسيره: ١٧٤٧/٦ التوبة: ٣ من حديث عبد الوارث بن سعيد به، سنده ضعيف لعل وله شواهد عند البخاري، ح: ٣١٧٩ ومسلم، ح: ٤٣٥/١٣٤٧ وغيرهما.

958. 'Alī narrated: "The day of *Al-Hajj Al-Akbar* is the Day of *An-Nahr*." (*Ṣaḥīḥ*)

He did not narrate it in *Marfū'* form and this is more correct than the first *Hadīth*. The *Mawqūf* narration of Ibn 'Uyainah is more correct than the *Marfū'* narration of Muḥammad bin Ishāq.

Abū 'Eisā said: This is how it was

٩٥٨ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ أَبِي إِسْحَاقَ، عَنِ الْحَارِثِ، عَنْ عَلِيِّ قَالَ: يَوْمُ الْحَجِّ الْأَكْبَرِ يَوْمُ النَّحْرِ.

وَلَمْ يَرْفَعْهُ وَهَذَا أَصَحُّ مِنَ الْحَدِيثِ الْأَوَّلِ. وَرَوَاهُ ابْنُ عُيَيْنَةَ مَوْقُوفٌ أَصَحُّ مِنْ رَوَايَةِ مُحَمَّدِ بْنِ إِسْحَاقَ مَرْفُوعٌ. قَالَ أَبُو

reported by more than one of the *Huffāz* from Abū Ishāq, from Al-Ḥārith, from ‘Alī, in *Mawqūf* form. (Shu‘bah reported it from Abū Ishāq who said: “from ‘Abdullāh bin Murrah, from Al-Ḥārith, from ‘Alī, in *Mawqūf* form.)

عِيسَى: هَكَذَا رَوَى غَيْرُ وَاحِدٍ مِنَ الْحُفَّازِ عَنْ أَبِي إِسْحَاقَ، عَنِ الْحَارِثِ، عَنْ عَلِيٍّ مَوْقُوفًا. [وَقَدْ رَوَى شُعْبَةُ عَنْ أَبِي إِسْحَاقَ قَالَ: عَنْ عَبْدِ اللَّهِ بْنِ مُرَّةٍ، عَنِ الْحَارِثِ، عَنْ عَلِيٍّ مَوْقُوفًا].

تخریج: [صحيح] انظر الحديث السابق.

Comments:

There is difference of opinion in the explanation of *Al-Hajj Al-Akbar*. Most of the scholars say that *Al-Hajj Al-Akbar* means *Al-Hajj* and *‘Umrah* is call *Al-Hajj Al-Aṣghar*. The Day of *An-Nahr* is named *Al-Hajj Al-Akbar* because many of the *Hajj* segments are performed on this day like, a) stoning the *Jamrah*. b) shaving the head or cutting the hair. c) sacrifice of the animal and d) *Tawāf* *Al-Ifādah*. (*Tuhfat Al-Aḥwadhī* v. 2 p. 122.)

Chapter 111. What Has Been Related About Touching The Two Corners

959. Ibn ‘Ubaid bin ‘Umar narrated from his father: “Ibn ‘Umar was clinging on the two corners (in a manner that I had not seen any of the Companions of the Prophet ﷺ doing) so I said: ‘O Abū ‘Abdur-Raḥmān! You are clinging on the two corners in a manner that I have not seen any of the Companions of the Prophet ﷺ clinging.’ So he said: ‘I do it because I heard the Messenger of Allāh ﷺ saying: “Touching them atones for sins.” And I heard him saying: “Whoever performs *Tawāf* around this House seven times and he keeps track of it, then it is as if he freed a slave.” And I heard him saying: “One foot is not put down, nor another raised except that Allāh removes a sin from him and records a good merit for him.” (*Hasan*)

(المعجم ١١١) - بَابُ [مَا جَاءَ فِي

اسْتِلَامِ الرُّكْنَيْنِ] (التحفة ١١١)

٩٥٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا جَرِيرٌ عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنِ ابْنِ عُبَيْدِ بْنِ عُمَيْرٍ، عَنْ أَبِيهِ: أَنَّ ابْنَ عُمَرَ كَانَ يُزَاجِمُ عَلَى الرُّكْنَيْنِ [زِحَامًا مَا رَأَيْتُ أَحَدًا مِنْ أَصْحَابِ النَّبِيِّ ﷺ يَفْعَلُهُ] فَقُلْتُ: يَا أَبَا عَبْدِ الرَّحْمَنِ إِنَّكَ تُزَاجِمُ عَلَى الرُّكْنَيْنِ زِحَامًا مَا رَأَيْتُ أَحَدًا مِنْ أَصْحَابِ النَّبِيِّ ﷺ يُزَاجِمُ عَلَيْهِ فَقَالَ: إِنْ أَفْعَلْتُ فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّ مَسْحَهُمَا كَفَّارَةٌ الْخَطَايَا». وَسَمِعْتُهُ يَقُولُ: «مَنْ طَافَ بِهَذَا الْبَيْتِ أُسْبُوعًا فَأَحْصَاهُ كَانَ كَمِثْقِ رَقِيقَةٍ». وَسَمِعْتُهُ يَقُولُ: «لَا يَضَعُ قَدَمًا وَلَا يَرْفَعُ أُخْرَى إِلَّا حَطَّ اللَّهُ عَنْهُ خَطِيئَةً وَكَتَبَ لَهُ بِهَا حَسَنَةً».

قَالَ أَبُو عِيسَى: وَرَوَى حَمَّادُ بْنُ زَيْدٍ عَنْ

Abū 'Eīsā said: Ḥammād bin Zaid reported similar from 'Aṭā' bin As-Sā'ib, from Ibn 'Ubaid bin 'Umar, from Ibn 'Umar. But he did not mention "from his father" in it.

(Abū 'Eīsā said: This *Ḥadīth* is *Ḥasan*).

تخريج: [حسن] وأخرجه الحاكم: ٤٨٩/١ من حديث جرير به وتابعه معمر والثوري عند أحمد: ٨٩/٢ وصححه ابن خزيمة، ح: ٢٧٣٠ وابن حبان (الإحسان): ٣٦٨٩ والحاكم ووافقه الذهبي ورواه النسائي، ح: ٢٩٢٢ من طريق حماد بن زيد عن عطاء عن عبدالله بن عبيد بن عمير به لم يقل عن أبيه.

Comments:

While touching the Black Stone, it is not proper to make it difficult for others to reach it, or pushing others, to make room for one self. In this narration Ibn 'Umar's answer means that he is not harming or hitting anybody, nor he is not creating trouble for others.

Chapter 112. What Has Been Related About Talking During *Tawāf*

960. Ibn 'Abbās narrated that the Prophet ﷺ said: "*Tawāf* around the House is similar to *Ṣalāt* except that you talk during it. So whoever talks in it, then let him not say but good." (*Ḥasan*)

Abū 'Eīsā said: This *Ḥadīth* has been reported from Ibn Tāwūs and others, from Tāwūs, from Ibn 'Abbās in *Mawqūf* form. We do not know of it being *Marfū'* except in the narration of 'Aṭā' bin As-Sā'ib.

This is acted upon according to most of the people of knowledge. They consider it recommended that a man not speak during *Tawāf* except when necessary, or for remembrance of Allāh, or when it is regarding knowledge.

عَطَاءُ بْنُ السَّائِبِ، عَنِ ابْنِ عُيَيْدٍ بْنِ عُمَيْرٍ، عَنِ ابْنِ عُمَرَ نَحْوَهُ وَلَمْ يَذْكُرْ فِيهِ عَنْ أَبِيهِ. [قَالَ أَبُو عِيسَى]: وَهَذَا حَدِيثٌ حَسَنٌ.

(المعجم ١١٢) - بَابُ [مَا جَاءَ فِي الْكَلَامِ فِي الطَّوَافِ] (التحفة ١١٢)

٩٦٠ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا جَرِيرٌ عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «الطَّوَافُ حَوْلَ الْبَيْتِ مِثْلُ الصَّلَاةِ إِلَّا أَنْكُمْ تَتَكَلَّمُونَ فِيهِ فَمَنْ تَكَلَّمَ فِيهِ فَلَا يَتَكَلَّمْ إِلَّا بِخَيْرٍ».

قَالَ أَبُو عِيسَى: وَقَدْ رُوِيَ هَذَا الْحَدِيثُ عَنْ ابْنِ طَاوُسٍ وَغَيْرِهِ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ مَوْفُوفًا وَلَا نَعْرِفُهُ مَرْفُوعًا إِلَّا مِنْ حَدِيثِ عَطَاءِ بْنِ السَّائِبِ وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ يَسْتَحِبُّونَ أَنْ لَا يَتَكَلَّمَ الرَّجُلُ فِي الطَّوَافِ إِلَّا لِحَاجَةٍ أَوْ بِذِكْرِ اللَّهِ تَعَالَى أَوْ مِنَ الْعِلْمِ.

تخریج: [حسن] وأخرجه ابن خزيمة: ٢٢٢/٤، ح: ٢٧٣٩ من حديث جرير بن عبد الحميد به وصححه ابن خزيمة وابن حبان، ح: ٩٩٨ وللحديث طريق أخرى عند النسائي، ح: ٢٩٢٥ وغيره.

Comments:

According to this narration, *Tawāf* is an *Ibādah* like *Ṣalāt*, so one should perform *Tawāf* after making ablution and the woman should not cover their faces and palms just as in the case of *Ṣalāt*.

Chapter 113. What Has Been Related About The Black Stone

(المعجم ١١٣) - بَابُ [مَا جَاءَ فِي

الْحَجَرِ الْأَسْوَدِ] (التحفة ١١٣)

961. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ said about the (Black) Stone: “By Allāh! Allāh will raise it on the Day of Resurrection with two eyes by which it sees, and a tongue that it speaks with, testifying to whoever touched it in truth.” (*Hasan*)

Abū ‘Eisā said: This is a *Hasan Hadīth*.

٩٦١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا جَرِيرٌ عَنِ ابْنِ

خُثَيْمٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ فِي الْحَجَرِ: «وَاللَّهِ لَيُعَيِّنَنَّهُ اللَّهُ يَوْمَ الْقِيَامَةِ لَهُ عَيْنَانِ يُبْصِرُ بِهِمَا وَلِسَانٌ يَنْطِقُ بِهِ يَشْهَدُ عَلَى مَنْ اسْتَلَمَهُ بِحَقٍّ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ.

تخریج: [إسناده حسن] وأخرجه ابن ماجه، المناسك، باب استلام الحجر، ح: ٢٩٤٤ من حديث عبدالله بن عثمان بن خثيم به وصححه ابن خزيمة، ح: ٢٧٣٥، ٢٧٣٦ وابن حبان، ح: ١٠٠٥ والحاكم: ٤٥٧/١ والذهبي جرير هو ابن عبد الحميد.

Comments:

This narration shows that the Black Stone, which apparently appears to be a simple piece of stone, will be granted the ability to testify for those who touch it.

Chapter 114. The *Muḥrim* Who Had Some Oil Applied

(المعجم ١١٤) - بَابُ ادِّهَانِ الْمُحْرِمِ

بِالزَّيْتِ] (التحفة ١١٤)

962. Ibn ‘Umar narrated: “The Prophet ﷺ would apply oil that is not scented (*Ghair Muqattat*) while he was a *Muḥrim*.” (*Da‘īf*)

Abū ‘Eisā said: *Muqattat* means scented.

(Abū ‘Eisā said:) This *Hadīth* is *Gharīb*, we do not know of it except as a narration of Farqad As-

٩٦٢ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا وَكِيعٌ عَنْ

حَمَّادِ بْنِ سَلَمَةَ، عَنْ فَرْقَدِ السَّبْخِيِّ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ كَانَ يَدْهُنُ بِالزَّيْتِ وَهُوَ مُحْرِمٌ غَيْرَ الْمُقَتَّبِ.

قَالَ أَبُو عِيسَى: مُقَتَّبٌ: مُطَبَّبٌ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ غَرِيبٌ لَا

Sabakhī from Sa'eed bin Jubair. Yahya bin Sa'eed has criticized Farqad As-Sabakhī, and (other) people report from him.

نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ فَرْقَدِ السَّبَخِيِّ عَنْ سَعِيدِ ابْنِ جُبَيْرٍ. وَقَدْ تَكَلَّمَ بِحَيٍّ بْنِ سَعِيدٍ فِي فَرْقَدِ السَّبَخِيِّ وَرَوَى عَنْهُ النَّاسُ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، المناسك، باب ما يدهن به المحرم، ح: ٣٠٨٣ من حديث وكيع به، ذكره ابن خزيمة، ح: ٢٦٥٢ وأشار إلى أنه ضعيف، وأخرجه البخاري، ح: ١٥٣٧ موقوفاً على ابن عمر، وهو الصواب.

Comments:

It is unanimously agreed upon that while in a state of *Ihrām* it is prohibited to use any kind of perfume or perfumed oil.

Chapter 115. What Has Been Related About Carrying Zamzam Water^[1]

(المعجم ١١٥) - بَابُ [مَا جَاءَ فِي حَمْلِ مَاءِ زَمْزَمَ] (التحفة ١١٥)

963. Hishām bin ‘Urwah narrated from his father about ‘Āishah, that she would carry some Zamzam water, and she would say: “Indeed the Messenger of Allāh ﷺ would carry it.”^[2] (*Sahih*)

Abū ‘Eīsā said: This *Hadīth* is *Hasan Gharīb*, we do not know of it except from this route.

٩٦٣ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا خَلَادُ بْنُ يَزِيدَ الْجُعْفِيُّ: حَدَّثَنَا زُهَيْرُ بْنُ مُعَاوِيَةَ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ [رَضِيَ اللَّهُ عَنْهَا] أَنَّهَا كَانَتْ تَحْمِلُ مِنْ مَاءِ زَمْزَمَ وَتُخَبِّرُ: أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يَحْمِلُهُ. قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ لَا نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ.

تخريج: [إسناده صحيح] وأخرجه البيهقي: ٢٠٢/٥ من حديث ابن خزيمة عن أبي كريب به وأعل بما لا يقدح.

Comments:

This narration shows that taking Zamzam water to other places is *Sunnah*.

Chapter 116. Where To Perform The *Zuhr* Prayer On The Day Of *Tarwiyah*^[3]

(المعجم ١١٦) - بَابُ: [أَيْنَ يُصَلِّي الظُّهْرَ يَوْمَ التَّرْوِيَةِ] (التحفة ١١٦)

964. ‘Abdul-‘Azīz bin Rufaī narrated: “I said to Anas bin

٩٦٤ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ وَمُحَمَّدُ بْنُ

[1] That is, to take some of it when leaving Makkah.

[2] Meaning; carrying it home, or taking some of it when leaving.

[3] That is, the eighth of *Dhul-Hijjah*.

Mālik: 'Narrate something to me that you understand about where the Messenger of Allāh ﷺ performed *Zuhr* on the Day of *Tarwiyah*.' He said: 'In *Minā*.'" "I said: 'So where did he pray *ʿAṣr* on the day of departure?' He said: 'In *Al-Abṭāḥ*.' Then he said: 'Do what your leaders do.'" (*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Hadīth* is *Ḥasan Ṣaḥīḥ*, but it is considered *Gharīb* as a narration of Ishāq (bin Yūsuf) Al-Azadī from Ath-Thawrī.

الْوَزِيرِ الْوَاسِطِي - الْمَعْنَى وَاحِدٌ - قَالَ:
حَدَّثَنَا إِسْحَاقُ بْنُ يُونُسَ الْأَزْرَقِيُّ عَنْ
سُفْيَانَ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ قَالَ: قُلْتُ
لَأَنْسِ بْنِ مَالِكٍ: حَدَّثَنِي بِشَيْءٍ عَقَلْتُهُ عَنْ
رَسُولِ اللَّهِ ﷺ أَيْنَ صَلَّى الظُّهْرَ يَوْمَ التَّرْوِيَةِ؟
قَالَ: بِمِنَى، قَالَ: قُلْتُ: فَأَيْنَ صَلَّى الْعَصْرَ
يَوْمَ النَّفَرِ؟ قَالَ: بِالْأَبْطَحِ، ثُمَّ قَالَ: أَفْعَلُ
كَمَا يَفْعَلُ أَمْرَاؤُكَ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ يُسْتَعْرَبُ مِنْ حَدِيثِ إِسْحَاقَ [بْنِ
يُونُسَ] الْأَزْرَقِيِّ عَنِ الثَّوْرِيِّ.

تخريج: متفق عليه، وأخرجه البخاري، الحج، باب: أين يصلي الظهر يوم التروية؟،
ح: ١٦٥٣ ومسلم، ح: ١٣٠٩ من حديث إسحاق الأزرق به.

In the Name of Allāh,
the Merciful, the Beneficent

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

8. The Chapters On Janā'iz From The Messenger of Allāh ﷺ

(المعجم ٨) أَبْوَابُ الْجَنَائِزِ عَنْ رَسُولِ اللَّهِ ﷺ (التحفة ٦)

Chapter 1. What Has Been Related About Reward For The Sick

965. 'Āishah narrated that the Messenger of Allāh ﷺ said: "The believer is not afflicted by the prick of a thorn or what is worse (or greater) than that, except that by it, Allāh raises him in rank and removes sin from him." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Sa'eed bin Abī Waqqās, Abū 'Ubaidah bin Al-Jarrāḥ, Abū Hurairah, Abū Umāmah, Abū Sa'd, Anas, 'Abdullāh bin 'Amr, Asad bin Kurz, Jābir bin 'Abdullāh, 'Abdur-Raḥmān bin Azhar, and Abū Mūsā.

Abū 'Eīsā said: The *Hadīth* of 'Āishah is a *Hasan Ṣaḥīḥ Hadīth*.

(المعجم ١) - بَابُ مَا جَاءَ فِي ثَوَابِ الْمَرَضِ (التحفة ١)

٩٦٥ - حَدَّثَنَا هَذَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ
عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ،
عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا
يُصِيبُ الْمُؤْمِنَ شَوْكَةٌ فَمَا فَوْقَهَا إِلَّا رَفَعَهُ اللَّهُ
بِهَا دَرَجَةً وَحَطَّ عَنْهَا بِهَا خَطِيئَةٌ».

[قَالَ:] وَفِي الْبَابِ عَنْ سَعْدِ بْنِ أَبِي
وَقَاصٍ وَأَبِي عُيَيْدَةَ بْنِ الْجَرَّاحِ وَأَبِي هُرَيْرَةَ
وَأَبِي أُمَامَةَ وَأَبِي سَعِيدٍ وَأَنْسٍ وَعَبْدِ اللَّهِ بْنِ
عَمْرِوٍ وَأَسَدِ بْنِ كُرْزٍ وَجَابِرِ بْنِ عَبْدِ اللَّهِ وَعَبْدِ
الرَّحْمَنِ بْنِ أَزْهَرَ وَأَبِي مُوسَى.

قَالَ أَبُو عِيسَى: حَدِيثُ عَائِشَةَ حَدِيثٌ
حَسَنٌ صَحِيحٌ.

تخريج: وأخرجه مسلم، البر والصلوة، باب ثواب المؤمن فيما يصيبه من مرض ... إلخ،
ح: ٢٥٧٢ من حديث أبي معاوية الضرير به * وفي الباب عن سعد بن أبي وقاص [يأتي: ٢٣٩٨]
وأبي عبيدة بن الجراح [أحمد: ١/١٩٦ والدارمي ح: ٢٧٦٦] وأبي هريرة [يأتي: ٢٠٨٨] وأبي أمامة
[ابن ماجه، ح: ١٥٩٧] وأبي سعيد [يأتي: ٩٦٦] وأنس [البخاري، ح: ٥٦٥٣] وعبدالله بن عمرو
[أحمد: ٢/١٥٩، ١٩٤، ١٩٨ والبخاري في الأدب المفرد، ح: ٥٠٠] وأسد بن كرز [عبدالله بن
أحمد في زوائد المسند: ٧٠/٤] وجابر [أحمد: ٣/٣٤٩، ٣٨٦، ٤٠٠ والبخاري في الأدب
المفرد، ح: ٥٠٨] وعبدالرحمن ابن أزهري [الحاكم: ٣/٤٣١] وأبي موسى [يأتي: ٣٢٥٢].

Comments:

In this narration, pain or suffering greater or less than a prick of a thorn, means even small pain or suffering.

966. Abū Sa'eed Al-Khudrī (may Allāh be pleased with him) narrated that the Messenger of Allāh ﷺ said: "Nothing afflicts the believer, whether fatigue, grief, disease – even a worry that concerns him – except that by it, Allāh removes something from his bad deeds." (*Sahīh*)

Abū 'Eisā said: This *Hadīth* about this topic is *Hasan*.

He said: I heard Al-Jārūd saying: "I heard Wakī' saying that it had not been heard that worry was an atonement except in this narration."

He said: Some of them narrated this *Hadīth* from 'Aṭā' bin Yasār, from Abū Hurairah (may Allāh be pleased with him), from the Prophet ﷺ.

٩٦٦ - حَدَّثَنَا سُفْيَانُ بْنُ وَكِيعٍ: حَدَّثَنَا أَبِي عَنْ أَسَامَةَ بْنِ زَيْدٍ، عَنْ مُحَمَّدِ بْنِ عَمْرٍو ابْنِ عَطَاءٍ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ [رَضِيَ اللَّهُ عَنْهُ] قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا مِنْ شَيْءٍ يُصِيبُ الْمُؤْمِنَ مِنْ نَصَبٍ وَلَا حَزَنٍ وَلَا وَصَبٍ حَتَّى يَهْمُ بِهِ إِلَّا يَكْفُرَ اللَّهُ بِهِ عَنْهُ سَيِّئَاتِهِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ فِي هَذَا الْبَابِ. قَالَ: وَسَمِعْتُ الْجَارُودَ يَقُولُ سَمِعْتُ وَكِيعًا يَقُولُ: إِنَّهُ لَمْ يُسْمَعْ فِي الْهَمِّ أَنَّهُ يَكُونُ كَفَّارَةً إِلَّا فِي هَذَا الْحَدِيثِ. قَالَ: وَقَدْ رَوَى بَعْضُهُمْ هَذَا الْحَدِيثَ عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ أَبِي هُرَيْرَةَ [رَضِيَ اللَّهُ عَنْهُ] عَنِ النَّبِيِّ ﷺ.

تخريج: [صحيح] وأخرجه أحمد: ٢٤/٣ من حديث أسامة بن زيد به وأصله عند البخاري، ح: ٥٦٤١، ٥٦٤٢ ومسلم، ح: ٢٥٧٣ * أثر وكيع: سنده صحيح.

Comments:

Any type of pain or suffering for a Muslim is not merely pain or grief, but it is also a cause of Allāh's blessing. Due to this pain or suffering, sins are forgiven and the status in Paradise is elevated.

Chapter 2. What Has Been Related About Visiting The Sick

967. Thawbān narrated that the Prophet ﷺ said: "Indeed the Muslim remains in the *Khurfah* (harvest)^[1] of Paradise while he visits his brother Muslim." (*Sahīh*)

There are narrations on this topic from 'Alī, Abū Mūsā, Al-Barā', Abū Hurairah, Anas, and Jābir.

(المعجم ٢) - بَابُ مَا جَاءَ فِي عِيَادَةِ الْمَرِيضِ (التحفة ٢)

٩٦٧ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا خَالِدُ الْحَذَاءُ عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي أَسْمَاءَ الرَّحْبِيِّ، عَنْ ثَوْبَانَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّ الْمُسْلِمَ إِذَا عَادَ أَخَاهُ الْمُسْلِمَ لَمْ يَزَلْ فِي خُرْفَةِ الْجَنَّةِ».

[1] See no. 968.

Abū 'Eīsā said: The *Hadīth* of *Thawbān* is *Hasan* (*Ṣaḥīḥ*). Abū Ghifār and 'Aṣim Al-Aḥwal reported this *Hadīth* similarly, from Abū Qilābah from Abū Al-Ash'ath, from Abū Asmā', from *Thawbān*, from the Prophet ﷺ.

He said: I heard Muḥammad saying: "Whoever reported this *Hadīth* from Abū Al-Ash'ath, from Abū Asmā', then he is more correct." Muḥammad said: "The *Aḥādīth* of Abū Qilābah are only from Abū Asmā', except for this *Hadīth*; to me, it is from Abū Al-Ash'ath, from Abū Asmā'.

وَفِي الْبَابِ عَنْ عَلِيٍّ وَأَبِي مُوسَى وَالْبَرَاءِ
وَأَبِي هُرَيْرَةَ وَأَنْسٍ وَجَابِرٍ.
قَالَ أَبُو عِيسَى: حَدِيثُ ثَوْبَانَ حَدِيثٌ
حَسَنٌ [صَحِيحٌ]. وَرَوَى أَبُو غِفَارٍ وَعَاصِمٌ
الْأَخْوَلُ هَذَا الْحَدِيثَ عَنْ أَبِي قِلَابَةَ، عَنْ
أَبِي الْأَشْعَثِ، عَنْ أَبِي أَسْمَاءَ، عَنْ ثَوْبَانَ
عَنِ النَّبِيِّ ﷺ نَحْوَهُ. قَالَ وَسَمِعْتُ مُحَمَّدًا
يَقُولُ: مَنْ رَوَى هَذَا الْحَدِيثَ عَنْ أَبِي
الْأَشْعَثِ، عَنْ أَبِي أَسْمَاءَ فَهُوَ أَصَحُّ. قَالَ
مُحَمَّدٌ: وَأَحَادِيثُ أَبِي قِلَابَةَ إِنَّمَا هِيَ عَنْ
أَبِي أَسْمَاءَ إِلَّا هَذَا الْحَدِيثَ فَهُوَ عِنْدِي عَنْ
أَبِي الْأَشْعَثِ، عَنْ أَبِي أَسْمَاءَ.

تخريج: وأخرجه مسلم، البر والصلة، باب فضل عيادة المريض، ح: ٢٥٦٨ من حديث يزيد ابن زريع به * وفي الباب عن علي [يأتي: ٩٦٩] وأبي موسى [لعله يشير إلى حديث البخاري، ح: ٢٩٩٦ "إذا مرض العبد أو سافر كتب له مثل ما كان يعمل مقيمًا صحيحًا"] والبراء [يأتي: ١٧٦٠] وأبي هريرة [مسلم، ح: ٢٥٦٩] وأنس [أبو داود، ح: ٣٠٩٧] وجابر [أحمد: ٣/ ٣٠٤] والبخاري في الأدب المفرد، ح: ٥٢٢.

968. (Another chain) from *Thawbān* who narrated that the Prophet ﷺ said similarly, but he added in it: "They said: 'What is the *Khurfah* of Paradise?' And he said: "Its harvest." (*Ṣaḥīḥ*)

(Another chain) from *Thawbān* who narrated that the Prophet ﷺ said it, and it is similar to the narration of *Khālid* (no. 967) but he did not mention "from Al-Ash'ath" in it.

(Abū 'Eīsā said:) Some of them narrated it through Hammād bin Zaid, but not in *Marfū'* form.

٩٦٨ - حَدَّثَنَا مُحَمَّدُ بْنُ الْوَزِيرِ
الْوَاسِطِيُّ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ عَنْ عَاصِمِ
الْأَخْوَلِ، عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي الْأَشْعَثِ،
عَنْ أَبِي أَسْمَاءَ، عَنْ ثَوْبَانَ عَنِ النَّبِيِّ ﷺ
نَحْوَهُ وَزَادَ فِيهِ: قِيلَ: مَا خُرْفَةُ الْجَنَّةِ؟ قَالَ:
«جَنَّاهَا».

حَدَّثَنَا أَحْمَدُ بْنُ عَبْدِ الصَّمِيِّ: حَدَّثَنَا
حَمَّادُ بْنُ زَيْدٍ عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ،
عَنْ أَبِي أَسْمَاءَ، عَنْ ثَوْبَانَ عَنِ النَّبِيِّ ﷺ.
نَحْوَ حَدِيثِ خَالِدٍ وَلَمْ يَذْكُرْ فِيهِ عَنْ أَبِي
الْأَشْعَثِ.

[قَالَ أَبُو عِيسَى:] وَرَوَى بَعْضُهُمْ عَنْ
حَمَّادِ بْنِ زَيْدٍ وَلَمْ يَرْفَعْهُ.

تخریج: وأخرجه مسلم، البر والصلة، باب فضل عيادة المريض، ح: ٤٢/٢٥٦٨ من حديث
يزيد بن هارون به، انظر الحديث السابق.

Comments:

When a Muslim goes to visit some sick person he gets reward from Allāh ﷻ.
Each of his steps brings him reward from Allāh ﷻ.

969. Thuwair [and he is Ibn Abī Fākhītah] narrated that his father said: “Alī took me by the hand and said: ‘Come with us to pay a visit to Al-Ḥasan.’ So we found that Abū Mūsā was with him. ‘Alī – peace be upon him – said: ‘O Abū Mūsā! Did you come to visit (the sick) or merely (stop by to) visit?’ He said: ‘No, to visit (the sick).’ So ‘Alī said: ‘I heard the Messenger of Allāh ﷺ saying: “No Muslim visits (the sick) Muslim in the morning, except that seventy-thousand angels send *Ṣalāt* upon him until the evening, and he does not visit at night except that seventy-thousand angels send *Ṣalāt* upon him until the morning, and there will be a garden for him in Paradise.”’ (Ḍaʿīf)

Abū ‘Eīsā said: This *Ḥadīth* is *Gharīb Ḥasan*. This *Ḥadīth* has been reported from ‘Alī by other routes, among them those who narrated it in *Mawqūf* not *Marfūʿ* form. Abū Fākhītah’s name is Saʿeed bin ‘Ilāqah.

تخریج: [إسناده ضعيف] وأخرجه البغوي في شرح السنة، ح: ١٤١٠ من إسرائيل به وقال: “حسن”
* توير ضعيف ولبعض الحديث شواهد عند أحمد: ٩٧/١، ١١٨ وابن ماجه، ح: ١٤٤٢ وغيرهما.

Comments:

When a Muslim goes to visit a sick person and consoles him and says some good words to solace his feelings he gets reward from Allāh ﷻ.

٩٦٩ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا الْحَسَنُ بْنُ مُحَمَّدٍ: حَدَّثَنَا إِسْرَائِيلُ عَنْ ثَوَيْرٍ [هُوَ ابْنُ أَبِي فَاخِتَةَ]، عَنْ أَبِيهِ قَالَ: أَخَذَ عَلِيٌّ يَدِي قَالَ: انْطَلِقْ بِنَا إِلَى الْحَسَنِ نَعُودُهُ، فَوَجَدْنَا عِنْدَهُ أَبَا مُوسَى فَقَالَ عَلِيٌّ - عَلَيْهِ السَّلَامُ -: أَعَانَدَا جِئْتَ يَا أَبَا مُوسَى أَمْ زَائِرًا؟ فَقَالَ: لَا بَلْ عَائِدًا، فَقَالَ عَلِيٌّ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَا مِنْ مُسْلِمٍ يَمُودُ مُسْلِمًا غُدْوَةً إِلَّا صَلَّى عَلَيْهِ سَبْعُونَ أَلْفَ مَلَكٍ حَتَّى يُمْسِيَ، وَإِنْ عَادَهُ عَشِيَّةً إِلَّا صَلَّى عَلَيْهِ سَبْعُونَ أَلْفَ مَلَكٍ حَتَّى يُصْبِحَ وَكَانَ لَهُ خَرِيفٌ فِي الْجَنَّةِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ حَسَنٌ. وَقَدْ رَوَى عَنْ عَلِيٍّ هَذَا الْحَدِيثُ مِنْ غَيْرِ وَجْهِ وَمِنْهُمْ مَنْ وَقَفَهُ وَلَمْ يَرْفَعْهُ. اسْمُ أَبِي فَاخِتَةَ: سَعِيدُ بْنُ عِلَاقَةَ.

Chapter 3. What Has Been Related About The Prohibition Against Wishing For Death

970. Hārithah bin Muḍarrib said: "I entered upon Khabbāb and he had been cauterized on his stomach. He said: 'I do not know of any of the Companions of the Prophet ﷺ who met with the trial I have met with. Indeed I could not find a Dirham during the time of the Prophet ﷺ, and (now) outside my house there are forty thousand. If it were not that the Messenger of Allāh ﷺ forbade us' – or: 'forbade' – 'from wishing for death, then I would wish for it.'" (*Ṣaḥīḥ*)

There are narrations on this topic from Abū Hurairah, Anas and Jābir.

Abū 'Eisā said: The *Ḥadīth* of Khabbāb is a *Ḥasan Ṣaḥīḥ Ḥadīth*. It has been reported from Anas bin Mālik, that the Prophet ﷺ said: "None of you should wish for death because of a calamity that has befallen him. Let him say: (*Allāhumma aḥyinī mā kānatil-ḥayātu khairan lī, wa tawaffanī idhā kānatil-wafātu khairan lī.*) 'O Allāh! Let me live as long as life is better for me, and take my life if death is better for me.'"

تخریج: [إسناده صحيح] وأخرجه ابن ماجه، الزهد، باب: في البناء والخراب، ح: ٤١٦٣ من حديث أبي إسحاق به وللحديث طرق عند البخاري، ح: ٥٦٧٢ ومسلم، ح: ٢٦٨١ وغيرهما * وفي الباب عن أبي هريرة [البخاري، ح: ٥٦٧٣ ومسلم، ح: ٢٦٨٢] وأنس [يأتي: ٩٧١] وجابر [أحمد: ٣/٣٣٢].

Comments:

Praying for death is a sign of weakness of faith in Allāh ﷻ. In the times of difficulties and hardships, being patient brings reward from Allāh ﷻ and it is a cause of increase of status in Paradise.

(المعجم ٣) - بَابُ مَا جَاءَ فِي النَّهْيِ
عَنِ التَّمَنِّيِ لِلْمَوْتِ (التحفة ٣)

٩٧٠ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي إِسْحَاقَ، عَنْ حَارِثَةَ بْنِ مُضَرَّبٍ قَالَ: دَخَلْتُ عَلَى خَبَّابٍ وَقَدْ اكْتَوَى فِي بَطْنِهِ فَقَالَ: مَا أَعْلَمُ أَحَدًا مِنْ أَصْحَابِ النَّبِيِّ ﷺ لَقِيَ مِنَ الْبَلَاءِ مَا لَقِيتُ، لَقَدْ كُنْتُ مَا أَجِدُ دِرْهَمًا عَلَى عَهْدِ النَّبِيِّ ﷺ وَفِي نَاحِيَةٍ [مِنْ] بَنِي أَرْبَعُونَ أَلْفًا وَلَوْلَا أَنَّ رَسُولَ اللَّهِ ﷺ نَهَانَا - أَوْ نَهَى - أَنْ يَتَمَنَّى الْمَوْتُ لَتَمَنَيْتُ.

وفي الباب عَنْ أَبِي هُرَيْرَةَ وَأَنْسٍ وَجَابِرٍ. قَالَ أَبُو عِيسَى: حَدِيثُ خَبَّابٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رَوَى عَنْ أَنَسِ بْنِ مَالِكٍ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «لَا يَتَمَنَّيَنَّ أَحَدُكُمْ الْمَوْتَ لِيُضْرَ نَزْلَ بِهِ، وَلْيَقُلْ: اللَّهُمَّ أَحْيِنِي مَا كَانَتِ الْحَيَاةُ خَيْرًا لِي، وَتَوَفَّنِي إِذَا كَانَتِ الْوَفَاةُ خَيْرًا لِي».

971. Anas bin Mālik narrated that the Prophet ﷺ said that (a *Ḥadīth*. similar to no. 970). (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

٩٧١ - حَدَّثَنَا بِذَلِكَ عَلِيُّ بْنُ حُجْرٍ:
حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبرَاهِيمَ: حَدَّثَنَا عَبْدُ
الْعَزِيزِ بْنُ صُهَيْبٍ عَنْ أَنَسِ بْنِ مَالِكٍ عَنِ
النَّبِيِّ ﷺ بِذَلِكَ.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ.

تخريج: متفق عليه، وأخرجه البخاري، الدعوات، باب الدعاء بالموت والحياة، ح: ٦٣٥١ ومسلم، ح: ٢٦٨٠ من حديث إسماعيل ابن علي به.

Chapter 4. What Has Been Related About Seeking Refuge For The Sick

972. Abū Sa'eed narrated that Jibrīl came to the Prophet ﷺ and said: "O Muḥammad! Are you suffering?" He said: "Yes." He said: "In the Name of Allāh, I recite a prayer (*Ruqyah*) over you, from everything that harms you, from the evil of every person and evil eye. In the Name of Allāh I recite a prayer (*Ruqyah*) over you, may Allāh cure you." (*Ṣaḥīḥ*)

(المعجم ٤) - بَابُ مَا جَاءَ فِي التَّعَوُّدِ
لِلْمَرِيضِ (التحفة ٤)

٩٧٢ - حَدَّثَنَا بِشْرُ بْنُ هَلَالٍ الصَّوَّافُ
الْبَصْرِيُّ: حَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ سَعِيدٍ عَنْ
عَبْدِ الْعَزِيزِ بْنِ صُهَيْبٍ، عَنْ أَبِي نَضْرَةَ، عَنْ
أَبِي سَعِيدٍ: أَنَّ جِبْرِيلَ أَتَى النَّبِيَّ ﷺ فَقَالَ:
«يَا مُحَمَّدُ اسْتَكَتَيْتَ؟» قَالَ: «نَعَمْ». قَالَ:
«بِسْمِ اللَّهِ أَزِيْقُكَ مِنْ كُلِّ شَيْءٍ يُؤْذِيكَ، مِنْ
شَرِّ كُلِّ نَفْسٍ وَعَيْنٍ حَاسِدٍ بِسْمِ اللَّهِ أَزِيْقُكَ
وَاللَّهُ يَشْفِيكَ».

تخريج: وأخرجه مسلم، السلام، باب الطب والمرض والرقي، ح: ٢١٨٦ عن بشر بن هلال

به.

973. 'Abdul-'Azīz bin Ṣuhaib said: "Thābit Al-Bunānī and I entered upon Anas bin Mālik, and Thābit said: 'O Abū Ḥamzah! I am suffering from an illness. So Anas said: 'Shall I not recite the *Ruqyah* of the Messenger of Allāh over you?' He said: 'Why, yes.' He said: 'O Allāh! Lord of mankind, remove the harm, and cure (him). Indeed You are the One Who cures, there

٩٧٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْوَارِثِ
ابْنُ سَعِيدٍ عَنْ عَبْدِ الْعَزِيزِ بْنِ صُهَيْبٍ قَالَ:
دَخَلْتُ أَنَا وَثَابِتُ الْبُنَانِيُّ عَلَى أَنَسِ بْنِ مَالِكٍ
فَقَالَ ثَابِتٌ: يَا أَبَا حَمَزَةَ اسْتَكَتَيْتَ، فَقَالَ
أَنَسٌ: أَفَلَا أَزِيْقُكَ بِرُقِيَةِ رَسُولِ اللَّهِ ﷺ؟
قَالَ: بَلَى. قَالَ: «اللَّهُمَّ رَبَّ النَّاسِ، مُذْهِبَ
الْبَاسِ، اشْفِ أَنْتَ الشَّافِي لَا شَافِيَ إِلَّا

is none who cures except you, a cure that leaves no disease.”

(*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Anas and 'Āishah.

Abū 'Eisā said: The *Ḥadīth* of Abū Sa'eed is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

He said: I asked Abū Zur'ah about this *Ḥadīth*. I said to him: “Is the narration of 'Abdul-'Azīz from Abū Naḍrah, from Abū Sa'eed more correct, or, the narration of 'Abdul-'Azīz from Anas?” He said: “Both of them are *Ṣaḥīḥ*.” (Another chain) from Anas.

أَنْتَ، شِفَاءٌ لَا يُغَادِرُ سَقَمًا».

[قَالَ:] وَفِي الْبَابِ عَنْ أَنَسٍ وَعَائِشَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي سَعِيدٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. قَالَ: وَسَأَلْتُ أَبَا زُرْعَةَ عَنْ هَذَا الْحَدِيثِ فَقُلْتُ لَهُ: رَوَاهُ عَبْدُ الْعَزِيزِ عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ أَصَحُّ أَوْ حَدِيثُ عَبْدِ الْعَزِيزِ، عَنْ أَنَسٍ؟ قَالَ: كِلَاهُمَا صَحِيحٌ. حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ عَنْ أَبِيهِ، عَنْ عَبْدِ الْعَزِيزِ بْنِ صُهَيْبٍ، عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ وَعَنْ عَبْدِ الْعَزِيزِ ابْنِ صُهَيْبٍ، عَنْ أَنَسٍ.

تخريج: وأخرجه البخاري، الطب، باب رقية النبي ﷺ، ح: ٥٧٤٢ من حديث عبدالوارث به * وفي الباب عن أنس [يعني هذا الحديث، وانظر المسند لأحمد: ٢٦٧/٣] وعائشة [مسلم، ح: ٢١٨٥].

Comments:

These narrations prove that health is from Allāh and being healthy or sick, in every condition, and in every situation, one has to pray to Allāh ﷻ alone, as only Allāh cures the sick. Offering to recite *Ruqyah* for someone is not prohibited and it is not against faith.

Chapter 5. What Has Been Related That Encourages The Will

974. Ibn 'Umar narrated that the Messenger of Allāh ﷺ said: “A Muslim man has no right to spend two nights while he has something to will, except while his will is recorded with him.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ibn Abī Awfā.

Abū 'Eisā said: The *Ḥadīth* of Ibn 'Umar is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

(المعجم ٥) - بَابُ مَا جَاءَ فِي الْحَثِّ

عَلَى الْوَصِيَّةِ (التحفة ٥)

٩٧٤ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ: حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ عُمَرَ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَا حَقَّ امْرِئٍ مُسْلِمٍ يَبِيتُ لَيْلَتَيْنِ وَلَهُ شَيْءٌ يُوصِي فِيهِ إِلَّا وَوَصِيَّتُهُ مَكْتُوبَةٌ عِنْدَهُ».

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ أَبِي أَوْفَى.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عُمَرَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه مسلم، الوصية، باب وصية الرجل مكتوبة عنده، ح: ١٦٢٧ من حديث ابن نمير والبخاري، ح: ٢٧٣٨ من حديث نافع به * وفي الباب عن ابن أبي أوفى [البخاري، ح: ٤٤٦٠ ومسلم، ح: ١٦٣٤].

Comments:

It is agreed upon that if someone has some entrusted things of others, or he is indebted, or he owes something to anyone, he must write a will. If he does not owe anything to anyone, then it is not necessary to write a will.

Chapter 6. What Has Been Related About A Will For Third And A Fourth

975. Sa'd bin Mālik said: "The Messenger of Allāh ﷺ came to visit me while I was sick. He said: 'Do you have a will?' I said: 'Yes.' He said: 'For how much?' I said: 'All of my wealth, for the cause of Allāh.' He said: 'What did you leave for your children?' He (Sa'd) said: "They are rich in goodness." He said: 'Will a tenth.'" He (Sa'd) said: "He ﷺ continued decreasing it until he said: 'Will a third, and a third is too great.'" (One of the narrators:) 'Abdur-Raḥmān said: "We considered it recommended that it be less than a third, since the Messenger of Allāh ﷺ said: 'And a third is too great.'" (*Ṣaḥīḥ*)

(He said:) There is something on this topic from Ibn 'Abbās.

Abu 'Eisā said: The *Hadīth* of Sa'd is a *Ḥasan Ṣaḥīḥ Hadīth*. It has been reported from him through other routes, and it has been reported that he said: "too great" and it has been reported as: "too much."

This is acted upon according to the people of knowledge, they do not think that a man should will more than a third, and they consider it

(المعجم ٦) - بَابُ مَا جَاءَ فِي الْوَصِيَّةِ
بِالثُّلُثِ وَالرُّبُعِ (التحفة ٦)

٩٧٥ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا جَرِيرٌ عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ أَبِي عَبْدِ الرَّحْمَنِ السَّلَمِيِّ، عَنْ سَعْدِ بْنِ مَالِكٍ قَالَ: عَادَنِي رَسُولُ اللَّهِ ﷺ وَأَنَا مَرِيضٌ فَقَالَ: «أَوْصَيْتَ؟» قُلْتُ: نَعَمْ، قَالَ: «يَكُمُ؟» قُلْتُ: بِمَا لِي كُلُّهُ فِي سَبِيلِ اللَّهِ، قَالَ: «فَمَا تَرَكْتَ لَوْلَدِكَ؟» قَالَ: هُمْ أَغْنِيَاءُ بِخَيْرٍ، قَالَ: «أَوْصِ بِالْعُسْرِ»، قَالَ: فَمَا زِلْتُ أَنَا قِصُّهُ حَتَّى قَالَ: «أَوْصِ بِالثُّلُثِ وَالثُّلُثُ كَبِيرٌ». قَالَ أَبُو عَبْدِ الرَّحْمَنِ: وَنَحْنُ نَسْتَحِبُّ أَنْ يَنْقُصَ مِنَ الثُّلُثِ لِقَوْلِ رَسُولِ اللَّهِ ﷺ: «وَالثُّلُثُ كَبِيرٌ».

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عَبَّاسٍ.

قَالَ أَبُو عِيْسَى: حَدِيثُ سَعْدِ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رَوَى عَنْهُ مِنْ غَيْرِ وَجْهِ، وَقَدْ رَوَى عَنْهُ: كَبِيرٌ، وَيُزَوَّى: كَثِيرٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ لَا يَرَوْنَ أَنْ يُوصِيَ الرَّجُلُ بِأَكْثَرِ مِنَ الثُّلُثِ وَيَسْتَحِبُّونَ أَنْ يَنْقُصَ مِنَ الثُّلُثِ. وَقَالَ سُفْيَانُ الثَّوْرِيُّ: كَانُوا يَسْتَحِبُّونَ فِي الْوَصِيَّةِ الْخُمْسَ دُونَ الرُّبُعِ، وَالرُّبُعَ دُونَ الثُّلُثِ، وَمَنْ أَوْصَى

recommended that it be less than a third. Sufyān Ath-Thawrī said: "They consider it recommended that a will be for a fifth rather than a fourth, and a fourth rather than a third. And that whoever willed a third, then he has not missed anything, and that no more than a third is allowed for him."

بِالثُّلُثِ فَلَمْ يَتْرُكْ شَيْئًا، وَلَا يَجُوزُ لَهُ إِلَّا الثُّلُثُ.

تخريج: [صحيح] وأخرجه النسائي: ٢٤٣/٦، ح: ٣٦٦١ (الوصايا، باب الوصية بالثلث) من حديث جرير بن عبد الحميد به ورواه زائدة بن قدامة وأبو الأحوص وخالد بن عبد الله وغيرهم عن عطاء به وهو حدث به قبل اختلاطه وأصله متفق عليه، البخاري، ح: ١٢٩٥ ومسلم، ح: ١٦٢٨ من حديث سعد بن أبي وقاص به * وفي الباب عن ابن عباس [البخاري، ح: ٢٧٤٣ ومسلم: ١٦٢٩].

Comments:

One can bequeath up to one third of his total property. If he bequeaths less than that, it is commendable. According to the *Ahnāf*, if the deceased has no heir, he can bequeath more than one third of his total property. (*Rad 'Alal-Mukhtar* v.6. p. 652) Most of the scholars hold that to bequeath more than one third is not approved or lawful. (*Ṣaḥīḥ Muslim* v. 2. p. 39.)

Chapter 7. What Has Been Related About Instructing The Sick When Dying And Supplicating For Him

(المعجم ٧) - بَابُ مَا جَاءَ فِي تَلْقِينِ الْمَرِيضِ عِنْدَ الْمَوْتِ وَالِدُعَاءِ لَهُ
[عِنْدَهُ] (التحفة ٧)

976. Abū Sa'eed Al-Khudrī narrated that the Prophet ﷺ said: "Instruct your dying to say: (*Lā Ilāha illallāh*.) 'None has the right to be worshipped but Allāh' (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Abū Hurairah, Umm Salamah, 'Aishah, Jābir, Su'dā Al-Murriyyah the wife of Ṭalḥah bin 'Ubaidullāh.

Abū 'Eisā said: The *Ḥadīth* of Abū Sa'eed is a *Gharīb Ḥasan Ṣaḥīḥ Ḥadīth*.

٩٧٦ - حَدَّثَنَا أَبُو سَلَمَةَ يَحْيَى بْنُ خَلْفٍ الْبَصْرِيُّ: حَدَّثَنَا بِشْرُ بْنُ الْمُفَضَّلِ عَنْ عُمَارَةَ ابْنِ غَزِيَّةَ، عَنْ يَحْيَى بْنِ عُمَارَةَ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ عَنِ النَّبِيِّ ﷺ قَالَ: «لَقُّنُوا مَوْتَانَكُمْ لَا إِلَهَ إِلَّا اللَّهُ».

[قَالَ:] وفي الباب عن أبي هريرة وأم سلمة وعائشة وجابر وسعدى المروية، وهي امرأة طلحة بن عبيد الله.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي سَعِيدٍ حَدِيثٌ غَرِيبٌ حَسَنٌ صَحِيحٌ.

تخريج: وأخرجه مسلم، الجنائز، باب تلقين الموتى: لا إله إلا الله، ح: ٩١٦ من حديث

بشر بن المفضل به * وفي الباب عن أبي هريرة [مسلم، ح: ٩١٧] وأم سلمة [يأتي: ٩٧٧] وعائشة [النسائي، ح: ١٨٢٨] وجابر [العقيلي: ٣/ ٧٢، ٧٣ والبراز: ١/ ٣٧٣] وسعدى المرية [لعله يشير إلى حديث الطبراني في الكبير: ٣٠٤/ ٢٤، ح: ٧٧٢].

977. Umm Salamah narrated: “The Messenger of Allāh ﷺ said to us: ‘When you attend to the sick or dying then say only good, for indeed the angels say “*Āmin*” to what you say.’” She said: “When Abū Salamah died I went to the Prophet ﷺ and said: ‘O Messenger of Allāh! Abū Salamah has died.’ He said: ‘Then say: “O Allāh forgive me and him, and give me a good replacement for him.”’ She said: “I said that, and Allāh gave a replacement that was better than him: The Messenger of Allāh.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: *Shaqīq* (one of the narrators) is Ibn Salamah, Abū Wā’il Al-Asadī.

Abū ‘Eisā said: The *Ḥadīth* of Umm Salamah is a *Ḥasan Ṣaḥīḥ Ḥadīth*. It is recommended to instruct the sick at the time of death to say *Lā Ilāha Illallāh*.

Some of the people of knowledge said that when he says that one time, as long as he does not say anything after that then there is no need to coax him again nor get him to say more. It has been reported from Ibn Al-Mubārak that when he was in the near his death a man began to coax him to say *Lā Ilāha Illallāh* and to say it many times. So ‘Abdullāh said to him: “When I say it one time, that is enough as long as I do not talk afterwards.” ‘Abdullāh was referring to what has

٩٧٧ - حَدَّثَنَا هَذَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ شَقِيقٍ، عَنْ أُمِّ سَلَمَةَ قَالَتْ: قَالَ لَنَا رَسُولُ اللَّهِ ﷺ: «إِذَا حَضَرْتُمُ الْمَرِيضَ أَوْ الْمَيِّتَ فَقُولُوا خَيْرًا فَإِنَّ الْمَلَائِكَةَ يُؤْمِنُونَ عَلَى مَا تَقُولُونَ» قَالَتْ: فَلَمَّا مَاتَ أَبُو سَلَمَةَ أَتَيْتُ النَّبِيَّ ﷺ فَقُلْتُ: يَا رَسُولَ اللَّهِ إِنَّ أَبَا سَلَمَةَ مَاتَ، قَالَ: «فَقُولِي: اللَّهُمَّ اغْفِرْ لِي وَلَهُ وَأَغْفِنِي مِنْهُ عَقْبَى حَسَنَةً»، قَالَتْ: فَقُلْتُ: فَأَغْفِنِي اللَّهُ مِنْهُ مَنْ هُوَ خَيْرٌ مِنْهُ رَسُولَ اللَّهِ ﷺ.

قَالَ أَبُو عِيْسَى: شَقِيقٌ هُوَ ابْنُ سَلَمَةَ أَبُو وَائِلِ الْأَسَدِيِّ.

قَالَ أَبُو عِيْسَى: حَدِيثُ أُمِّ سَلَمَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ كَانَ يُسْتَحَبُّ أَنْ يُلْقَنَ الْمَرِيضُ عِنْدَ الْمَوْتِ قَوْلَ لَا إِلَهَ إِلَّا اللَّهُ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: إِذَا قَالَ ذَلِكَ مَرَّةً فَمَا لَمْ يَتَكَلَّمْ بَعْدَ ذَلِكَ فَلَا يَنْبَغِي أَنْ يُلْقَنَ وَلَا يُكْثَرَ عَلَيْهِ فِي هَذَا. وَرَوَى عَنِ ابْنِ الْمُبَارَكِ: أَنَّهُ لَمَّا حَضَرَتْهُ الْوَفَاةُ جَعَلَ رَجُلٌ يُلْقِنُهُ لَا إِلَهَ إِلَّا اللَّهُ، وَكَثَّرَ عَلَيْهِ، فَقَالَ لَهُ عَبْدُ اللَّهِ: إِذَا قُلْتَ مَرَّةً فَأَنَا عَلَى ذَلِكَ مَا لَمْ أَتَكَلَّمْ بِكَلَامٍ. وَإِنَّمَا مَعْنَى قَوْلِ عَبْدِ اللَّهِ إِنَّمَا أَرَادَ مَا رَوَى عَنِ النَّبِيِّ ﷺ: «مَنْ كَانَ آخِرُ قَوْلِهِ لَا إِلَهَ إِلَّا اللَّهُ دَخَلَ الْجَنَّةَ».

been reported from the Prophet ﷺ, saying: "Whoever's last words are *Lā Ilāha Illallāh*, he will enter Paradise."

تخريج: وأخرجه مسلم، الجنائز، باب ما يقال عند المريض والميت، ح: ٩١٩ من حديث أبي معاوية الضرير به.

Comments:

Whoever goes to visit a sick person, he should pray for his health, and whoever goes to visit or participate in a funeral of someone, he should pray for forgiveness and blessings of Allāh ﷻ for the deceased, because when someone asks for Allāh's blessings, the angels say 'Āmin.' On such occasions one should not talk about useless matters.

Chapter 8. What Has Been Related About The Severity Of Death

(المعجم ٨) - بَابُ مَا جَاءَ فِي التَّشْدِيدِ
عِنْدَ الْمَوْتِ (التحفة ٨)

978. 'Ā'ishah narrated: "I saw the Messenger of Allāh ﷺ while he was dying. He had a cup with water in it, he put his hand in the cup then wiped his face with the water, then said: 'O Allāh! Help me with the throes of death and the agony of death.'" (*Hasan*)

Abū 'Eisā said: This *Hadīth* is (*Hasan*) *Gharīb*.

٩٧٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ
ابْنِ الْهَادِ، عَنْ مُوسَى بْنِ سَرْجَسٍ، عَنْ
الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ أَنَّهَا قَالَتْ:
رَأَيْتُ رَسُولَ اللَّهِ ﷺ وَهُوَ بِالْمَوْتِ وَعِنْدَهُ
قَدَحٌ فِيهِ مَاءٌ وَهُوَ يُدْخِلُ يَدَهُ فِي الْقَدَحِ ثُمَّ
يَمْسَحُ وَجْهَهُ بِالْمَاءِ ثُمَّ يَقُولُ: «اللَّهُمَّ أَعْنِي
عَلَى غَمَرَاتِ الْمَوْتِ وَسَكَرَاتِ الْمَوْتِ».
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ [حَسَنٌ]
غَرِيبٌ.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، الجنائز، باب ما جاء في ذكر مرض رسول الله ﷺ، ح: ١٦٢٣ من حديث الليث بن سعد به وصححه الحاكم: ٤٦٥/٢، ٥٦/٣، ٥٧، والذهبي * موسى بن سرجس: حسن الحديث كما في تسهيل الحاجة.

Comments:

Gamarāt and *Sakar* are plurals of *Gamarah* and *Sakarah* respectively, and both mean throes and agony of death.

979. 'Ā'ishah narrated: "I was not envious of anyone whose death was easy after I saw the severity the

٩٧٩ - حَدَّثَنَا الْحَسَنُ بْنُ الصَّبَّاحِ الْبَرَّاءُ:
حَدَّثَنَا مُبَشَّرُ بْنُ إِسْمَاعِيلَ الْحَلْبِيُّ عَنْ عَبْدِ

death of the Messenger of Allāh ﷺ. [1] (*Hasan*)

He said: I asked Abū Zur‘ah about (one of the narrators of) this *Hadith*, saying to him: “Who is ‘Abdur-Raḥmān bin Al-‘Alā’?” He said: “He is Ibn Al-‘Alā’ bin Al-Lajlāj” and I only know of it from this route.

الرَّحْمَنِ بْنِ الْعَلَاءِ، عَنْ أَبِيهِ، عَنْ ابْنِ عُمَرَ، عَنْ عَائِشَةَ قَالَتْ: مَا أَغْبَطُ أَحَدًا بِهَوْنٍ مَوْتٍ بَعْدَ الَّذِي رَأَيْتُ مِنْ شِدَّةِ مَوْتِ رَسُولِ اللَّهِ ﷺ. قَالَ: وَسَأَلْتُ أَبَا زُرْعَةَ عَنْ هَذَا الْحَدِيثِ [و] قُلْتُ لَهُ: مَنْ عَبْدُ الرَّحْمَنِ بْنِ الْعَلَاءِ؟ فَقَالَ: هُوَ ابْنُ الْعَلَاءِ بْنِ اللَّجْلَاجِ وَإِنَّمَا أَعْرِفُهُ مِنْ هَذَا الْوَجْهِ.

تخریج: [حسن] وأخرجه المزي في تهذيب الكمال: ٥٠٣/١٤ من حديث العلاء بن اللجلج به، سنده ضعيف وله شواهد عند البخاري، ح: ٥٦٤٦ ومسلم، ح: ٢٥٧٠ وغيرهما.

Comments:

The painful death or severity of illness is not a sign of bad or evil in the Hereafter and easy death or painless illness is not a sign of good reward in the Hereafter.

980. [‘Alqamah narrated: “I heard ‘Abdullāh saying: ‘I heard the Messenger of Allāh ﷺ saying: “The believer’s soul seeps out, and I do not like the death like that of a donkey.”

They said: “And what is the death of the donkey?” He said: “A sudden death.”] (*Da‘īf*)

٩٨٠ - [حَدَّثَنَا أَحْمَدُ بْنُ الْحَسَنِ قَالَ: حَدَّثَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ، قَالَ: حَدَّثَنَا حُسَامُ بْنُ الْمِصْكُ قَالَ: حَدَّثَنَا أَبُو مَعْشَرٍ عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ قَالَ: سَمِعْتُ عَبْدَ اللَّهِ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّ نَفْسَ الْمُؤْمِنِ تَخْرُجُ رَشْحًا، وَلَا أَحَبُّ مَوْتًا كَمَوْتِ الْحِمَارِ».

قِيلَ: وَمَا مَوْتُ الْحِمَارِ؟ قَالَ: «مَوْتُ الْفَجَاءَةِ».

تخریج: [إسناده ضعيف] وأخرجه الطبراني في الأوسط: ٤٢٠/٦، ح: ٥٨٩٨ من حديث مسلم بن إبراهيم به * حسام، ضعيف يكاد أن يترك (تقريب) وللحديث شواهد ضعيفة عند البيهقي في الشعب، ح: ١٠٢١٦ وغيره.

Comments:

The Prophet ﷺ sought exclusion from sudden death because in such a death there is no chance of asking Allāh’s forgiveness.

[1] Meaning, if an easy death was a good thing then the Prophet ﷺ was the most worthy of people to have an easy death. So I do not consider it bad that someone experiences the severity of death, nor do I envy anyone who dies without such severity. See *Tuhfat Al-Aḥwadhī*.

Chapter 9. Regarding The Virtue Of Good Deeds At The Ends Of The Day And The Night

(المعجم ٩) - بَابُ: [فِي فَضْلِ حَسَنَاتِ طَرَفِي اللَّيْلِ وَالنَّهَارِ] (التحفة ٩)

981. Anas bin Mālik narrated that the Messenger of Allāh ﷺ said: "There is nothing that the two Guardian Angels raise to Allāh that they have preserved in a day or night, and Allāh finds good in the beginning of the scroll and in the end of the scroll, except that Allāh Most High says: 'Bear witness that I have forgiven my servant for what is included in the scroll.'" (*Da'if*)

٩٨١ - [حَدَّثَنَا زِيَادُ بْنُ أَيُّوبَ: حَدَّثَنَا مُبَشَّرُ بْنُ إِسْمَاعِيلَ الْحَلْبِيُّ عَنْ تَمَامِ بْنِ نَجِيحٍ، عَنْ الْحَسَنِ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا مِنْ حَافِظَيْنِ رَفَعَا إِلَى اللَّهِ مَا حَفِظَا مِنْ لَيْلٍ أَوْ نَهَارٍ، فَيَجِدُ اللَّهُ فِي أَوَّلِ الصَّحِيفَةِ وَفِي آخِرِ الصَّحِيفَةِ خَيْرًا، إِلَّا قَالَ اللَّهُ تَعَالَى: أَشْهَدُكُمْ أَنِّي قَدْ غَفَرْتُ لِعَبْدِي مَا بَيْنَ طَرَفَيْ الصَّحِيفَةِ»].

تخريج: [إسناده ضعيف] وأخرجه البزار (كشف الأستار): ٨٣/٤، ح: ٣٢٥٢ عن زياد بن أيوب به وأورده ابن الجوزي في العلل، ح: ٢٨ وقال: "هذا حديث لا يصح" * تمام: ضعيف وشيخه عنعن.

Comments:

This narration is a clear proof that a Muslim who's deeds in the start and at the end of the day are good and in accordance with the divine law, his bad deeds of the middle day are forgiven and pardoned. That is to say, it can be inferred from this narration that when the deeds in the beginning of the day and in the end of the day are in accordance to Islamic faith, then he is forgiven.

Chapter 10. What Has Been Related About Dying With Sweat On Ones Brow

982. 'Abdullāh bin Buraidah narrated from his father, that the Prophet ﷺ said: "The believer dies with sweat on his brow." (*Ṣaḥīḥ*)

(He said:) There is something on this topic from Ibn Mas'ūd.

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan*, and some of the people of *Ḥadīth* said: "We do not know that Qatādah heard from 'Abdullāh bin Buraidah."

(المعجم ١٠) - بَابُ [مَا جَاءَ أَنَّ الْمُؤْمِنَ يَمُوتُ بِعَرَقِ الْجَبِينِ] (التحفة ١٠)

٩٨٢ - [حَدَّثَنَا مُحَمَّدٌ] بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنِ الْمُثَنَّى بْنِ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ قَالَ: «الْمُؤْمِنُ يَمُوتُ بِعَرَقِ الْجَبِينِ».

[قَالَ:] وفي الباب عن ابن مسعود.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ وَقَدْ

قَالَ بَعْضُ أَهْلِ الْحَدِيثِ لَا نَعْرِفُ لِقَتَادَةَ
سَمَاعًا مِنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ.

تخريج: [صحيح] وأخرجه النسائي: ٥/٤، ٦، ح: ١٨٢٩ (الجنائز، باب علامة موت المؤمن) عن محمد بن بشار به وصححه ابن حبان (الإحسان): ٣٠٠٠ والحاكم على شرط الشيخين: ١/٣٦١ ووافقه الذهبي * قتادة، تابعه كهمس بن الحسن القيسي عند النسائي: ٤/٦، ح: ١٨٣٠ وإسناده صحيح * وفي الباب عن ابن مسعود [البرار (كشف): ١/٣٧٠، ح: ٧٧٩].

Comments:

1. The life of a Muslim is a continuous struggle for legitimate and lawful earnings and subsistence, and he strives for righteousness and regularly observes religious commands.
2. At the time of death sweat on the brow is a sign of being true Muslim (*Tuhfat Al-Aḥwadhī*. 2. p. 128 and *At-Ta'liqāt As-Salafiyyah 'Alā An-Nasā'ī*.)

Chapter 11. Hope In Allāh And Fear Of Ones Sins In The Presence Of Death

983. Thābit narrated from Anas, that the Prophet ﷺ entered upon a young man while he was dying. So he said: "How do you feel?" He said: "By Allāh! O Messenger of Allāh! Indeed I hope in Allāh and I fear from my sins." So the Messenger of Allāh ﷺ said: "These two will not be gathered in a worshipper's heart at a time such as this, except that Allāh will grant him what he hopes and make him safe from what he fears." (*Hasan*)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Gharīb*. Some of them have reported this *Ḥadīth* in *Mursal* form from Thābit from the Prophet ﷺ.

(المعجم ١١) - بَابُ [الرَّجَاءِ بِاللَّهِ
وَالْخَوْفِ بِالذَّنْبِ عِنْدَ الْمَوْتِ] (التحفة ١١)

٩٨٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ أَبِي زِيَادٍ [الْكُوفِيُّ] وَهَارُونُ بْنُ عَبْدِ اللَّهِ الْبَرَّازُ الْبَغْدَادِيُّ قَالَا: حَدَّثَنَا سَيَّارُ بْنُ حَاتِمٍ: حَدَّثَنَا جَعْفَرُ بْنُ سُلَيْمَانَ عَنْ ثَابِتٍ، عَنْ أَنَسٍ: أَنَّ النَّبِيَّ ﷺ دَخَلَ عَلَى شَابٍّ وَهُوَ فِي الْمَوْتِ فَقَالَ: «كَيْفَ تَجِدُكَ؟»، قَالَ: وَاللَّهِ يَا رَسُولَ اللَّهِ إِنِّي أَرْجُو اللَّهَ وَإِنِّي أَخَافُ ذُنُوبِي، فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَجْتَمِعَانِ فِي قَلْبِ عَبْدٍ فِي مِثْلِ هَذَا الْمَوْطِنِ إِلَّا أَعْطَاهُ اللَّهُ مَا يَرْجُو، وَأَمَنَهُ مِمَّا يَخَافُ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ وَقَدْ رَوَى بَعْضُهُمْ هَذَا الْحَدِيثَ عَنْ ثَابِتٍ، عَنِ النَّبِيِّ ﷺ مُرْسَلًا.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، الزهد، باب ذكر الموت والاستعداد له، ح: ٤٢٦١ من حديث سيار به وصححه ابن الملقن في تحفة المحتاج، ح: ٧٦٣.

Comments:

‘Fear’ and ‘Hope’ are two essential parts of a Muslim’s belief. When he views his sins, he is afraid of accountability, and tries to keep himself away from sins, and when he looks at the grace and bounty of Allāh ﷻ he is hopeful of forgiveness.

Chapter 12. What Has Been Related About It Being Disliked To Announce One’s Death (*An-Na’i*)

984. ‘Abdullāh narrated that the Prophet ﷺ said: “Beware of *An-Na’i*, for indeed announcing one’s death is from the deeds of *Jahiliyyah*.” (*Da’if*) ‘Abdullāh said: “*An-Na’i* is announcing of one’s death.” There is something about this from Hudhaifah.

(المعجم ١٢) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ النَّعْيِ (التحفة ١٢)

٩٨٤ - حَدَّثَنَا مُحَمَّدُ بْنُ حُمَيْدٍ الرَّازِيُّ: حَدَّثَنَا حَكَّامُ بْنُ سَلَمٍ وَهَارُونُ بْنُ الْمُغِيرَةِ عَنْ عَنَبَسَةَ، عَنْ أَبِي حَمْرَةَ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ قَالَ: «إِيَّاكُمْ وَالنَّعْيَ فَإِنَّ النَّعْيَ مِنْ عَمَلِ الْجَاهِلِيَّةِ». قَالَ عَبْدُ اللَّهِ: وَالنَّعْيُ أَذَانُ بِالْمَيِّتِ. وَفِي الْبَابِ عَنْ حُذَيْفَةَ.

تخریج: [إسناده ضعيف] * أبو حمزة ميمون الأعور: ضعيف كما في التقريب وغيره، عنبة هو ابن سعيد * وفي الباب عن حذيفة [يأتي: ٩٨٦].

985. (Another chain) from ‘Abdullāh (from the Prophet ﷺ) similar (to no 984), but he did not narrate it in *Marfū* form, and he did not mention in it: “*An-Na’i* is announcing of one’s death.” (*Da’if*)

(Abū ‘Eisā said:) This is more correct than the narration of ‘Anbasah from Abū Ḥamzah (no. 984). Abū Ḥamzah is Maimūn Al-A’war, and he is not strong according to the people of *Hadīth*.

Abū ‘Eisā said: The *Hadīth* of ‘Abdullāh is a (*Hasan*) *Gharīb Hadīth*. Some of the people of knowledge disliked *An-Na’i*. To them, *An-Na’i* is when it is announced among the people that

٩٨٥ - حَدَّثَنَا سَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ الْمَخْزُومِيُّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْوَلِيدِ الْعَدَنِيُّ عَنْ سُفْيَانَ الثَّوْرِيِّ، عَنْ أَبِي حَمْرَةَ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ [عَنِ النَّبِيِّ ﷺ] نَحْوَهُ وَلَمْ يَرْفَعْهُ وَلَمْ يَذْكُرْ فِيهِ وَالنَّعْيُ: أَذَانُ بِالْمَيِّتِ.

[قَالَ أَبُو عِيسَى:] وَهَذَا أَصَحُّ مِنْ حَدِيثِ عَنَبَسَةَ عَنْ أَبِي حَمْرَةَ. وَأَبُو حَمْرَةَ هُوَ مَيْمُونُ الْأَعْوَرُ وَلَيْسَ هُوَ بِالْقَوِيِّ عِنْدَ أَهْلِ الْحَدِيثِ. قَالَ أَبُو عِيسَى: حَدِيثُ عَبْدِ اللَّهِ حَدِيثٌ [حَسَنٌ] غَرِيبٌ. وَقَدْ كَرِهَ بَعْضُ أَهْلِ الْعِلْمِ

so-and-so has died, so that they can attend his funeral. Some of the people of knowledge said that there is no harm in a man informing his relatives and his brethren. It has been related that Ibrāhīm said: "There is no harm if a man informs his relatives."

النَّعْيِ، وَالتَّعْيِ عِنْدَهُمْ أَنْ يُنَادَى فِي النَّاسِ أَنْ فُلَانًا مَاتَ لِيَشْهَدُوا جَنَازَتَهُ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: لَا بَأْسَ أَنْ يُعْلِمَ الرَّجُلُ قَرَابَتَهُ وَإِخْوَانَهُ، وَرُوِيَ عَنْ إِبْرَاهِيمَ أَنَّهُ قَالَ: لَا بَأْسَ بِأَنْ يُعْلِمَ الرَّجُلُ قَرَابَتَهُ.

تخريج: [إسناده ضعيف] انظر الحديث السابق.

986. Bilāl bin Yahya Al-'Anbasī narrated that Hudhaifah (bin Al-Yamān) said: "When I die do not announce about me to anyone, indeed I fear that it would be *An-Na'ī*, and I heard the Messenger of Allāh ﷺ prohibiting from *An-Na'ī*." (*Da'if*)

This *Hadith* is *Hasan* [*Ṣaḥīh*].

٩٨٦ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا عَبْدُ الْقُدُّوسِ بْنُ بَكْرِ بْنِ حُثَيْبٍ: حَدَّثَنَا حَبِيبُ بْنُ سَلِيمٍ الْعَبْسِيُّ عَنْ بِلَالِ بْنِ يَحْيَى الْعَبْسِيِّ، عَنْ حُذَيْفَةَ [بْنِ الْيَمَانِ] قَالَ: إِذَا مِتُّ فَلَا تُؤْذِنُوا بِي أَحَدًا، إِنِّي أَخَافُ أَنْ يَكُونَ نَعْيًا، فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَنْهَى عَنِ النَّعْيِ. هَذَا حَدِيثٌ حَسَنٌ [صَحِيحٌ].

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، الجناز، باب ما جاء في النهي عن النعي، ح: ١٤٧٦ من حديث حبيب العباسي به وقال ابن معين في بلال بن يحيى: "روايته عن حذيفة مرسله" وبه ضعف الحديث.

Comments:

An-Na'ī means to give or announce the information of someone's death as the Prophet ﷺ announced the news of An-Najashi's death or the news of Zaid and Ja'far's deaths. There are three aspects of such announcements.

1. To inform the relatives and friends etc., this type of announcement is allowed.
2. To inform the people and invite them as a symbol of pride and status. This is an unbecoming thing and it is disapproved.
3. Announcement of the death in a way as the people used to do in the period *Jāhiliyyah*. This type of announcement is of two types. A) In the era of *Jāhiliyyah* when a rich or a person of status died, they used to send a person to different tribes to announce his death with the beat of the drum. B) When a person of status or a rich person dies, they used to call the lamenting women who would cry on the death and would pronounce the important deeds of the deceased. This kind of announcement of death was for the sake of pride and vanity. This is prohibited. Just informing the friend and relatives is allowed. (*Tuhfat Al-Aḥwadhī* v. 2 p129 and *Faṭḥ Al-Bārī* v. 3 p. 151.)

Chapter 13. What Has Been Related About Patience Is To Be Observed At The First Stroke Of The Calamity

987. Anas narrated that the Messenger of Allāh ﷺ said: “(Real) Patience is at the first stroke of the calamity.”^[1] (*Hasan*)

Abū ‘Eisā said: This *Ḥadīth* is *Gharīb* from this route.

(المعجم ١٣) - بَابُ مَا جَاءَ أَنَّ الصَّبْرَ فِي الصَّدْمَةِ الْأُولَى (التحفة ١٣)

٩٨٧ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ سَعْدِ بْنِ سِنَانٍ، عَنْ أَنَسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الصَّبْرُ فِي الصَّدْمَةِ الْأُولَى».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، الجنائز، باب ماجاء في الصبر على المصيبة، ح: ١٥٩٦ من حديث الليث بن سعد به وهو متفق عليه من حديث أنس رضي الله عنه، البخاري، ح: ١٢٨٣ ومسلم، ح: ٩٢٦ انظر الحديث الآتي.

988. Anas bin Mālik narrated that the Messenger of Allāh ﷺ said: “(Real) Patience is at the first stroke of the calamity.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Hasan Ṣaḥīḥ*.

٩٨٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ عَنْ شُعْبَةَ، عَنْ ثَابِتِ الْبُتَيْي، عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الصَّبْرُ عِنْدَ الصَّدْمَةِ الْأُولَى».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه مسلم، الجنائز، باب: في الصبر على المصيبة عند الصدمة الأولى، ح: ٩٢٦ عن محمد بن بشار والبخاري، الجنائز، باب زيارة القبور، ح: ١٢٨٣ من حديث شعبة به.

Comments:

Real patience and tolerance is at the first stroke of the calamity because the time heals the shock and one cannot remain in a state of wailing and mourning all the time. A believer who submits to the decision of Allāh ﷻ is always patient.

Chapter 14. What Has Been Related About Kissing The Dead

989. Al-Qāsim bin Muḥammad narrated from ‘Āishah: “The Prophet ﷺ kissed ‘Uthmān bin Maz‘ūn when

(المعجم ١٤) - بَابُ مَا جَاءَ فِي تَقْبِيلِ الْمَيِّتِ (التحفة ١٤)

٩٨٩ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا سُفْيَانُ عَنْ عَاصِمِ بْنِ

^[1] See no. 1061.

he died, and he was crying.” Or, he (one of the narrators) said: “His eyes were brimming with tears.” (*Daʿif*)

There are narrations on this topic from Ibn ‘Abbās, Jābir, and ‘Āishah, they said that Abū Bakr kissed the Prophet ﷺ when he died.”

Abū ‘Eīsā said: The *Ḥadīth* of ‘Āishah is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

عُبَيْدُ اللَّهِ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ: أَنَّ النَّبِيَّ ﷺ قَبَّلَ عُثْمَانَ بْنَ مَظْعُونٍ وَهُوَ مَيِّتٌ وَهُوَ يَبْكِي، أَوْ قَالَ: عَيْنَاهُ تَذْرِفَانِ.

وَفِي الْبَابِ عَنِ ابْنِ عَبَّاسٍ وَجَابِرٍ وَعَائِشَةَ قَالُوا: إِنَّ أَبَا بَكْرٍ قَبَّلَ النَّبِيَّ ﷺ وَهُوَ مَيِّتٌ.

قَالَ أَبُو عِيسَى: حَدِيثُ عَائِشَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الجنائز، باب: في تقبيل الميت، ح: ٣١٦٣ وابن ماجه، ح: ١٤٥٦ من حديث سفيان الثوري به وعاصم بن عبيد الله ضعيف ولبعض الحديث شواهد عند البزار ومختصر زوائد البزار، ح: ٥٤٩ وأبي نعيم في الحلية: ١٠٥/١ وغيرهما * وفي الباب عن ابن عباس [البخاري، ح: ٥٧٠٩-٥٧١١] وجابر [البخاري، أيضاً] وعائشة [الطيالسي، ح: ١٧١٢].

Comments:

A Muslim is chaste, pure and clean during his life, and remains in the same state after his death. It is agreed upon that out of love and out of honor, kissing a deceased person is allowed as Abū Bakr kissed the Prophet ﷺ when he died and no one objected to his action.

Chapter 15. What Has Been Related About Washing The Dead

990. Umm ‘Aṭiyyah narrated: “One of the daughters of the Prophet ﷺ died, so he said: ‘Wash her an odd number of times; three, or five, or more than that as you see fit. Wash her with water and *Sidr*, and in the last (washing) add camphor, or something from camphor. When you are finished then inform me.’ When we finished we informed him so he gave us his waist-sheet and said: ‘Wrap her in it.’” (*Ṣaḥīḥ*)

Hushaim said: “In the narration of others besides these people – and I do not know perhaps Hishām was

(المعجم ١٥) - بَابُ مَا جَاءَ فِي غَسْلِ

الْمَيِّتِ (التحفة ١٥)

٩٩٠ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا هُشَيْمٌ: حَدَّثَنَا خَالِدٌ وَمَنْصُورٌ وَهِشَامٌ فَأَمَّا خَالِدٌ وَهِشَامٌ فَقَالَا عَنْ مُحَمَّدٍ وَحَفْصَةَ: - وَقَالَ مَنْصُورٌ: عَنْ مُحَمَّدٍ عَنْ أُمِّ عَطِيَّةَ قَالَتْ: - : تُوَفِّيْتُ إِحْدَى بَنَاتِ النَّبِيِّ ﷺ فَقَالَ: «اغْسِلْنَهَا وَثَرَا ثَلَاثًا أَوْ خَمْسًا أَوْ أَكْثَرَ مِنْ ذَلِكَ إِنْ رَأَيْتَنِّي، وَاغْسِلْنَهَا بِمَاءٍ وَسِدْرٍ وَاجْعَلْنِي فِي الْآخِرَةِ كَأُفُورًا أَوْ شَيْئًا مِنْ كَأُفُورٍ، فَإِذَا فَرَعْتَنِي فَأَذِنِّي». فَلَمَّا فَرَعْنَا أَذَنَاهُ فَأَلْقَى إِلَيْنَا حَقْوَهُ فَقَالَ: «أَشْعِرْنَاهَا بِهِ» قَالَ

one of them – she said: ‘We entwined her hair in three braids.’” Hushaim said: “I think he said: ‘We put them (braids) behind her (head).’” Hushaim said: “Khālid narrated to us, among the people, that Ḥaṣṣah, and Muḥammad (narrated) that Umm ‘Aṭiyyah said: ‘And we began with the right side and the places of *Wuḍū’*.’”

And there is something about this topic from Umm Sulaim.

Abū ‘Eīsā said: The *Ḥadīth* of Umm ‘Aṭiyyah is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

This is acted upon according to the people of knowledge. It has been reported that Ibrāhīm An-Nakha‘ī said: “*Ghusl* for the dead is like *Ghusl* for *Janābah*.” Mālik bin Anas said: “To us, there is no fixed number of times for the washing, and similarly, there is no well known description, rather it is done to clean.” Aṣh-Shāfi‘ī said: “In summary, Mālik’s view is that it is done for washing and cleaning, and when the dead is cleaned (once) by clear water, or other water, then such washing is sufficient. But to me it is better to wash him three times or more, and that one not be washed less than three times, since the Messenger of Allāh ﷺ said: “Wash her three or five (times).” If they clean with less than three times, it will be acceptable. And, he did not think that the saying of the Prophet ﷺ meant to clean three or five times, so he did not consider the number of times binding.”

هُسَيْمٌ: فِي حَدِيثٍ غَيْرِ هَؤُلَاءِ - وَلَا أَذْرِي وَلَعَلَّ هِشَامًا مِنْهُمْ - قَالَتْ: وَضَفَرْنَا شَعْرَهَا ثَلَاثَةَ قُرُونٍ. قَالَ هُسَيْمٌ: أَظَنُّهُ قَالَ فَأَلْقَيْنَاهُ خَلْفَهَا. قَالَ هُسَيْمٌ: فَحَدَّثَنَا خَالِدٌ مِنْ بَيْنِ الْقَوْمِ عَنْ حَفْصَةَ وَمُحَمَّدٍ، عَنْ أُمِّ عَطِيَّةٍ قَالَتْ: وَقَالَ لَنَا رَسُولُ اللَّهِ ﷺ: «وَابْدَأَنَّ بِمَيَامِنِهَا وَمَوَاضِعِ الْوُضُوءِ». وَفِي الْبَابِ عَنْ أُمِّ سَلَيْمٍ.

قَالَ أَبُو عِيْسَى: حَدِيثُ أُمِّ عَطِيَّةٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ. وَقَدْ رَوَى عَنْ إِبْرَاهِيمَ النَّخَعِيِّ أَنَّهُ قَالَ: غُسْلُ الْمَيِّتِ كَالْغُسْلِ مِنَ الْجَنَابَةِ. وَقَالَ مَالِكُ بْنُ أَنَسٍ: لَيْسَ لَغُسْلِ الْمَيِّتِ عِنْدَنَا حَدٌّ مُؤَقَّتٌ وَلَيْسَ لِدَلِكِ صِفَةٌ مَعْلُومَةٌ وَلَكِنْ يُطَهَّرُ. قَالَ الشَّافِعِيُّ: إِنَّمَا قَالَ مَالِكٌ قَوْلًا مُجْمَلًا، يُغَسَّلُ وَيُنْفَى، وَإِذَا أُنْقِيَ الْمَيِّتُ بِمَاءِ الْقِرَاحِ أَوْ مَاءٍ غَيْرِهِ أَجْزَأُ ذَلِكَ مِنْ غُسْلِهِ، وَلَكِنْ أَحَبُّ إِلَيَّ أَنْ يُغَسَّلَ ثَلَاثًا فَصَاعِدًا لَا يُقْصَرُ عَنْ ثَلَاثٍ لِمَا قَالَ رَسُولُ اللَّهِ ﷺ: «اغْسِلْنَهَا ثَلَاثًا أَوْ خَمْسًا». وَإِنْ أَتَقُوا فِي أَقَلِّ مِنْ ثَلَاثٍ مَرَّاتٍ أَجْزَأُ وَلَا يَرَى أَنَّ قَوْلَ النَّبِيِّ ﷺ إِنَّمَا هُوَ عَلَى مَعْنَى الْإِنْقَاءِ ثَلَاثًا أَوْ خَمْسًا، وَلَمْ يُؤَقَّتْ. وَكَذَلِكَ قَالَ الْفُقَهَاءُ وَهُمْ أَعْلَمُ بِمَعَانِي الْحَدِيثِ. وَقَالَ أَحْمَدُ وَإِسْحَاقُ: وَتَكُونُ الْغَسَلَاتُ بِمَاءٍ وَسِدْرٍ وَيَكُونُ فِي الْآخِرَةِ شَيْءٌ مِنْ كَافُورٍ.

And this is what the *Fuqahā'* said, and they are more knowledgeable about the meaning of the *Hadīth*. Aḥmad and Ishāq said that the washings are to be done with water and *Sidr*, and some type of camphor is to be used in the last washing.

تخريج: [إسناده صحيح] وأخرجه البخاري، الجائز، باب غسل الميت ووضوئه بالماء والسدر، ح: ١٢٥٣ ومسلم، ح: ٩٣٩ من حديث محمد بن سيرين به * وفي الباب عن أم سليم [الطبراني في الكبير: ١٢٤/٢٥-١٢٦، ح: ٣٠٤ والبيهقي: ٤٠٥/٣، ٤٠٤/٤].

Comments:

It is necessary and essential to give a bath to the deceased properly and according to Islamic law, then the deceased should be shrouded and buried after performing the funeral prayer.

Chapter 16. What Has Been Related About Using Musk When Washing The Dead

(المعجم ١٦) - بَابُ مَا جَاءَ فِي الْمِسْكِ لِلْمَيِّتِ (التحفة ١٦)

991. Abū Sa'eed Al-Khudrī narrated that the Messenger of Allāh ﷺ said: "The best scent is the perfume of musk." (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

٩٩١ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ وَشَيْبَابَةُ قَالَا: حَدَّثَنَا شُعْبَةُ عَنْ خُلَيْدِ بْنِ جَعْفَرٍ سَمِعَ أَبَا نَضْرَةَ يُحَدِّثُ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَطْيَبُ الطِّيبِ الْمِسْكُ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: وأخرجه مسلم، الألفاظ من الأدب وغيرها، باب استعمال المسك وأنه ... إلخ، ح: ٢٢٥٢ من حديث شعبة به وهو في مسند الطيالسي، ح: ٢١٦٩ ورواه النسائي، ح: ١٩٠٦ عن محمود بن غيلان به.

992. Abū Sa'eed narrated that the Prophet ﷺ was asked about musk and he said: "It is the best of your perfumes." (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Hadīth* is *Hasan Ṣaḥīḥ*. This is acted upon according to some of the people of knowledge. It is the view of Aḥmad and Ishāq. Some of the people of

٩٩٢ - حَدَّثَنَا سُفْيَانُ بْنُ وَكِيعٍ: حَدَّثَنَا أَبِي عَنْ شُعْبَةَ، عَنْ خُلَيْدِ بْنِ جَعْفَرٍ، عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ: أَنَّ النَّبِيَّ ﷺ سُئِلَ عَنِ الْمِسْكِ فَقَالَ: «هُوَ أَطْيَبُ طِبِّكُمْ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ

knowledge disliked using musk for the dead.

He said: Al-Mustamirr bin Ar-Rayyān also reported it from Abū Naṣrah, from Abū Sa'eed, from the Prophet ﷺ.

'Alī said: "Yaḥya bin Sa'eed said: 'Al-Mustamirr bin Ar-Rayyān is trustworthy.' Yaḥya said: 'Khulaid bin Ja'far is trustworthy.'"^[1]

تخريج: [صحيح] انظر الحديث السابق * حديث المستمر أخرجه أبو داود، ح: ٣١٥٨

والنسائي، ح: ١٩٠٧.

Comments:

Perfuming the deceased is *Sunnah* and musk is the best perfume. Its use is lawful and approved. If camphor is available it should be preferred.

Chapter 17. What Has Been Related About Performing Ghusl For The One Who Has Washed The Deceased

993. Abū Hurairah narrated that the Prophet ﷺ said: "Ghusl for one who washed him, and Wudū' for one who carried him." (*Ṣaḥīḥ*)

Meaning the deceased.

(He said:) There are narrations on this topic from 'Alī and 'Āishah.

Abū 'Eisā said: The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Ḥadīth*. It has been reported in *Mawqūf* form from Abū Hurairah.

The people of knowledge have differed in the case of one who has washed the deceased. Some of the people of knowledge among the Companions of the Prophet ﷺ and others said that when one washes the deceased, then he is required to perform *Ghusl*. Some of them said that he is required to perform *Wudū'*

الْعِلْمِ. وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ وَقَدْ كَرِهَ بَعْضُ أَهْلِ الْعِلْمِ الْمِسْكَ لِمَيِّتٍ. قَالَ وَقَدْ رَوَاهُ الْمُسْتَمِيرُ بْنُ الرِّيَّانِ أَيْضًا عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ عَنِ النَّبِيِّ ﷺ. قَالَ عَلِيٌّ: قَالَ يَحْيَى بْنُ سَعِيدٍ: الْمُسْتَمِيرُ بْنُ الرِّيَّانِ ثِقَةٌ. قَالَ يَحْيَى: خُلَيْدُ بْنُ جَعْفَرٍ ثِقَةٌ.

(المعجم ١٧) - بَابُ مَا جَاءَ فِي الْغُسْلِ مِنْ غُسْلِ الْمَيِّتِ (التحفة ١٧)

٩٩٣ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَبِي السَّوَّارِ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ الْمُخْتَارِ عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ غَسَلَهُ الْغُسْلُ، وَمِنْ حَمَلِهِ الْوُضُوءُ» - يَعْنِي الْمَيِّتَ - [قَالَ:] وَفِي الْبَابِ عَنْ عَلِيٍّ وَعَائِشَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ. وَقَدْ رَوَى عَنْ أَبِي هُرَيْرَةَ مَوْفُوفًا. وَقَدْ اخْتَلَفَ أَهْلُ الْعِلْمِ فِي الَّذِي يُغَسَّلُ الْمَيِّتَ فَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: إِذَا غَسَلَ مَيِّتًا فَعَلَيْهِ الْغُسْلُ. وَقَالَ بَعْضُهُمْ: عَلَيْهِ الْوُضُوءُ. وَقَالَ مَالِكُ بْنُ أَنَسٍ: اسْتَحَبُّ الْغُسْلُ مِنْ غُسْلِ

^[1] He is a narrator for nos. 991 and 992.

Mālik bin Anas said: “*Ghusl* is recommended for the one who washed the deceased, and I do not think that it is required.” This is what Ash-Shāfi‘ī said. Aḥmad said: “Whoever washes the deceased, I believe that it is not required for him to perform *Ghusl*, as for *Wuḍū’* it is the least of what they say (is required) about it.” Ishāq said: “He must perform *Wuḍū’*.”

(He said:) It has been reported that ‘Abdullāh bin Al-Mubārak said: “Neither *Ghusl* nor *Wuḍū’* are required for the one who washed the deceased.”

الْمَيِّتِ وَلَا أَرَى ذَلِكَ وَاجِبًا وَهَكَذَا قَالَ الشَّافِعِيُّ. وَقَالَ أَحْمَدُ: مَنْ غَسَلَ مَيِّتًا أَرَجُو أَنْ لَا يَجِبَ عَلَيْهِ الْغُسْلُ وَأَمَّا الْوُضُوءُ فَأَقْلُ مَا قِيلَ فِيهِ. وَقَالَ إِسْحَاقُ: لَا بُدَّ مِنَ الْوُضُوءِ. [قَالَ:] وَقَدْ رُوِيَ عَنْ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ أَنَّهُ قَالَ: لَا يَغْتَسِلُ وَلَا يَتَوَضَّأُ مَنْ غَسَلَ الْمَيِّتَ.

تخريج: [صحيح] وأخرجه ابن ماجه، الجنائز، باب ماجاء في غسل الميت، ح: ١٤٦٣ عن محمد بن عبد الملك به وصححه ابن حبان (الإحسان): ١١٥٨ وله شواهد كثيرة عند أبي داود، ح: ٣١٦٢ والبيهقي وغيرهما * وفي الباب عن علي [ابن ماجه، ح: ١٤٦٢] وعائشة [أبو داود، ح: ٣١٦٠].

Comments:

The Four *A'immaḥ* and most of the people agree upon this issue, that taking a bath after washing the deceased is not obligatory, but if a bath is taken it is good and making ablution is essential. (*Sharḥ Al-Muhadh-dhab*. v.5. p.186)

Chapter 18. What Has Been Related About What Is Recommended For Shrouding

994. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ said: “Wear the white among your garments, for indeed they are among the best of your garments; and shroud your dead in them.” (*Ḥasan*)

There are narrations on this topic from Samurah, Ibn ‘Umar and ‘Aishah.

Abū ‘Eisā said: The *Ḥadīth* of Ibn ‘Abbās is a *Ḥasan Ṣaḥīḥ Ḥadīth*. The people of knowledge consider

(المعجم ١٨) - بَابُ [مَا جَاءَ] مَا يُسْتَحَبُّ مِنَ الْأَكْفَانِ (التحفة ١٨)

٩٩٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا يَسْرُ بْنُ الْمُفَضَّلِ عَنْ عَبْدِ اللَّهِ بْنِ عُثْمَانَ بْنِ خُثَيْمٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْبَسُوا مِنْ ثِيَابِكُمُ الْبَيَاضَ فَإِنَّهَا مِنْ خَيْرِ ثِيَابِكُمْ وَكَفُّوا فِيهَا مَوْتَاكُمْ».

وفي الباب عَنْ سَمُرَةَ وَابْنِ عُمَرَ وَعَائِشَةَ. قَالَ أَبُو عِيْسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ

this recommended. Ibn Al-Mubārak said: "I prefer that he be shrouded in the clothing that he performed *Ṣalāt* in." Aḥmad and Ishāq said: "The clothing that is recommended to us – to be shrouded it – is the white (clothing), and the best of shrouds is recommended."^[1]

حَسَنٌ صَحِيحٌ. وَهُوَ يَسْتَحِبُّهُ أَهْلُ الْعِلْمِ.
وَقَالَ ابْنُ الْمُبَارَكِ: أَحَبُّ إِلَيَّ أَنْ يُكْفَنَ فِي
ثِيَابِهِ الَّتِي كَانَ يُصَلِّي فِيهَا. وَقَالَ أَحْمَدُ
وإِسْحَاقُ: أَحَبُّ الثِّيَابِ إِلَيْنَا - أَنْ يُكْفَنَ فِيهَا
- الْبَيَاضُ، وَيُسْتَحَبُّ حُسْنُ الْكَفْنِ.

تخريج: [إسناده حسن] وأخرجه أبو داود، اللباس، باب: في البياض، ح: ٤٠٦١ وابن ماجه، ح: ١٤٧٢ من حديث ابن خثيم به وصححه ابن حبان، ح: ١٤٣٩-١٤٤١ والحاكم: ١/٣٥٤ على شرط مسلم ووافقه الذهبي * وفي الباب عن سمرة [يأتي: ٢٨١٠] وابن عمر [ابن عدي في الكامل: ٧/٢٥٣٥] وعائشة [يأتي: ٩٩٦].

Comments:

It is unanimously agreed that white cloth is recommended for shrouding.
(*Tuhfat Al-Aḥwadhī*. v. 2.p. 133)

Chapter 19. Ordering The Believer To Shroud His Brother With The Best

(المعجم ١٩) - بَابُ [أَمْرِ الْمُؤْمِنِ
بِإِحْسَانِ كَفْنِ أَخِيهِ] (التحفة ١٩)

995. Abū Qatādah narrated that the Messenger of Allāh ﷺ said: "When one of you shrouds his brother, then let him use the best of his shrouds." (*Ṣaḥīḥ*)

There is something about this from Jābir.

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Gharīb*. Regarding his ﷺ saying: "then let him use the best of his shrouds" Ibn Al-Mubārak said that Sallām bin (Abī) Muṭī' said: "It is the cleanest, it does not mean the most valuable."

٩٩٥ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عُمَرُ
ابْنُ يُونُسَ: حَدَّثَنَا عِكْرِمَةُ بْنُ عَمَّارٍ عَنْ هِشَامِ
ابْنِ حَسَّانَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أَبِي
قَتَادَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا وَلِيَ
أَحَدُكُمْ أَخَاهُ فَلْيُحْسِنْ كَفَنَهُ». وَفِيهِ عَنْ جَابِرٍ.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ
غَرِيبٌ. وَقَالَ ابْنُ الْمُبَارَكِ: قَالَ سَلَامُ بْنُ
[أَبِي] مُطِيعٍ فِي قَوْلِهِ: وَلْيُحْسِنْ أَحَدُكُمْ كَفَنَ
أَخِيهِ. قَالَ: هُوَ الصَّفَاءُ وَلَيْسَ بِالْمُرْتَفَعِ.

تخريج: [صحيح] وأخرجه ابن ماجه، الجنائز، باب ماجاء فيما يستحب من الكفن، ح: ١٤٧٤ عن ابن بشار به وله شاهد صحيح عند مسلم، الجنائز: ١٥، ح: ٩٤٣ وغيره * وفي الباب عن جابر [مسلم، ح: ٩٤٣].

[1] What is meant by "the best" is described in the next chapter.

Comments:

The deceased should be given a shroud according to the status he holds in this world. Using costly cloth for shroud is against the *Sunnah*. In spite of having the ability of providing a suitable shroud, giving a cheap one is also disapproved.

Chapter 20. What Has Been Related About How Many Shrouds Were Used For The Prophet ﷺ

(المعجم ٢٠) - بَابُ مَا جَاءَ فِي كَفْنِ النَّبِيِّ ﷺ (التحفة ٢٠)

996. Hishām bin ‘Urwah narrated from his father that ‘Āishah said: “The Prophet ﷺ was shrouded in three white Yemeni cloths, there was no shirt nor turban among them.” He said: “So they mentioned the saying of the others to ‘Āishah, that there were two garments and a *Habir Burd*.^[1] She said: ‘A *Burd* was brought, but they refused it and they did not shroud him in it.’” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Hasan Ṣaḥīḥ*.

٩٩٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَفَّنَ النَّبِيُّ ﷺ فِي ثَلَاثَةِ أَثْوَابٍ بَيْضٍ يَمَانِيَّةٍ لَيْسَ فِيهَا قَمِيصٌ وَلَا عِمَامَةٌ. قَالَ: فَذَكَّرُوا لِعَائِشَةَ قَوْلَهُمْ فِي ثَوْبَيْنِ وَبُرْدٍ حَبِرَةٍ فَقَالَتْ: قَدْ أَتَيْتِ بِالْبُرْدِ وَلَكِنَّهُمْ رَدُّوهُ وَلَمْ يُكْفَنُوهُ فِيهِ. قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه مسلم، الجنائز، باب: في كفن الميت، ح: ٩٤١ من حديث حفص بن غياث والبخاري، ح: ١٢٦٤ من حديث هشام بن عروة به.

Comments:

Using three pieces of cloth for shroud is recommended. There should be no shirt in these three pieces, though the use of a shirt as a shroud is not prohibited or disapproved. The Prophet ﷺ gave a shirt to the son of ‘Abdullāh bin Ubayy to include it in the shroud. (*Sharḥ Al-Muḥadḍ-dhab*, v. 5, p.193.)

997. Jābir bin ‘Abdullāh narrated: “The Messenger of Allāh ﷺ shrouded Ḥamzah bin ‘Abdul-Muṭṭlib in one cloth of *Namirah*.^[2] (*Ṣaḥīḥ*)

٩٩٧ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا بِشْرُ ابْنُ السَّرِيِّ عَنْ زَائِدَةَ، عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ بْنِ عَقِيلٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ: أَنَّ

^[1] See no. 859. The *Habir Burd* is a Yemeni *Burd* (type of garment or cloth) with designs on it. See *An-Nihāyah*.

^[2] A wrap made of wool or otherwise with white and black designs. See *Tuḥfat Al-Aḥwadhī*.

(He said:) There are narrations on this topic from ‘Alī, Ibn ‘Abbās, ‘Abdullāh bin Mughaffal, and Ibn ‘Umar.

Abū ‘Eisā said: The *Ḥadīth* of ‘Āishah is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

Narrations about the shroud of the Prophet ﷺ differ, and the *Ḥadīth* of ‘Āishah is the most correct of the *Aḥādīth* that have been reported about shrouding the Prophet ﷺ.

This is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others. Sufyān Ath-Thawrī said: “A man should be shrouded in three cloths, it can be a shirt and two wraps if one wills, or three wraps if one wills.”

One cloth is acceptable if they do not find two cloths, and two cloths is acceptable, and three is better to them for those who find them. This is the saying of Ash-Shāfi‘ī, Ahmad and Ishāq. They say that the woman is shrouded in five cloths.

تخريج: [صحيح] وأخرجه أحمد: ٣/٣٢٩ من حديث زائدة به وسنده حسن * وفي الباب عن علي [أحمد: ١/٩٤، ١٠٢] وابن عباس [أبو داود، ح: ٣١٥٣] وعبدالله بن مغفل [الحاكم في المستدرک: ٣/٥٧٨] وابن عمر [ابن ماجه، ح: ١٤٧٠].

Comments:

Three pieces of cloth are legislated for a male as it has been explained, but if three pieces of cloth are not available one piece will suffice. A female should be shrouded in five pieces of cloth, a lower wrap, shirt, two other pieces and one head cover. (*Al-Mughnī* v. 5. p392.)

Chapter 21. What Has Been Related About Preparing Food For The Family Of The Deceased

998. ‘Abdullāh bin Ja‘far said:

رَسُولَ اللَّهِ ﷺ كَفَّنَ حَمْرَةَ بَنِ عَبْدِ الْمُطَّلِبِ فِي نَمْرَةٍ فِي ثَوْبٍ وَاحِدٍ.

[قَالَ:] وَفِي الْبَابِ عَنْ عَلِيٍّ وَابْنِ عَبَّاسٍ وَعَبْدِ اللَّهِ بْنِ مَعْقِلٍ وَابْنِ عُمَرَ.

قَالَ أَبُو عِيسَى: حَدِيثُ عَائِشَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رَوَى فِي كَفْنِ النَّبِيِّ ﷺ رَوَايَاتٌ مُخْتَلِفَةٌ، وَحَدِيثُ عَائِشَةَ أَصَحُّ الْأَحَادِيثِ الَّتِي رُوِيَ فِي كَفْنِ النَّبِيِّ ﷺ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ. وَقَالَ سُفْيَانُ الثَّوْرِيُّ: يُكْفَنُ الرَّجُلُ فِي ثَلَاثَةِ أَثْوَابٍ، إِنْ شِئَتْ فِي قَمِيصٍ وَلِفَافَتَيْنِ وَإِنْ شِئَتْ فِي ثَلَاثِ لِفَافَتٍ. وَيُجْزَى ثَوْبٌ وَاحِدٌ إِنْ لَمْ يَجِدُوا ثَوْبَيْنِ، وَالثَّوْبَانِ يُجْزَيَانِ، وَالثَّلَاثَةُ لِمَنْ وَجَدُوا أَحَبَّ إِلَيْهِمْ، وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ، قَالُوا: تُكْفَنُ الْمَرْأَةُ فِي خَمْسَةِ أَثْوَابٍ.

(المعجم ٢١) - بَابُ مَا جَاءَ فِي الطَّعَامِ يُضْنَعُ لِأَهْلِ الْمَيِّتِ (التحفة ٢١)

٩٩٨ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ وَعَلِيُّ بْنُ

“When the news of the death of Ja‘far came, the Prophet ﷺ said: ‘Prepare some food for the family of Ja‘far, for indeed something has happened to them that will keep them busy.’” (*Hasan*)

Abū ‘Eisā said: This *Hadīth* is *Hasan* (*Ṣaḥīḥ*).

Some of the people of knowledge considered it recommended to send something to the family of the deceased due to them being occupied as a result of their calamity. This is the view of *Ash-Shāfi‘ī*.

(Abū ‘Eisā said:) Ja‘far bin *Khālīd* is Ibn Sārrah, and he is trustworthy. Ibn Juraij reports from him.

حُجْرٍ قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ جَعْفَرِ ابْنِ خَالِدٍ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ بْنِ جَعْفَرٍ قَالَ: لَمَّا جَاءَ نَعْيُ جَعْفَرٍ، قَالَ النَّبِيُّ ﷺ: «اضْنَعُوا لِأَهْلِ جَعْفَرٍ طَعَامًا فَإِنَّهُ قَدْ جَاءَهُمْ مَا يَسْغَلُهُمْ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ [صَحِيحٌ]. وَقَدْ كَانَ بَعْضُ أَهْلِ الْعِلْمِ يَسْتَحِبُّ أَنْ يُوجَّهَ إِلَى أَهْلِ الْمَيِّتِ شَيْءٌ لِيُسْغَلَهُمْ بِالْمُصِيبَةِ، وَهُوَ قَوْلُ الشَّافِعِيِّ.

[قَالَ أَبُو عِيسَى:] وَجَعْفَرُ بْنُ خَالِدٍ هُوَ ابْنُ سَارَةَ وَهُوَ ثِقَةٌ، رَوَى عَنْهُ ابْنُ جُرَيْجٍ.

تخريج: [إسناده حسن] وأخرجه أبو داود، الجنائز، باب صفة الطعام لأهل الميت، ح: ٣١٣٢ وابن ماجه، ح: ١٦١٠ من حديث ابن عيينة به وصححه الحاكم: ٣٧٢/١ والذهبي وابن السكّن.

Comments:

This narration proves that it is an obligation upon neighbors or friends to prepare food for the deceased family, because due to their own perplexed and unavoidable situation they are unable to cook food for themselves.

Chapter 22. What Has Been Related About The Prohibition Of Slapping The Cheeks And Tearing The Clothes During A Calamity

999. ‘Abdullāh narrated that the Prophet ﷺ said: “He who slaps (his) cheeks, tears (his) clothes and calls with the calls of *Jahiliyyah* is not one of us.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

(المعجم ٢٢) - بَابُ مَا جَاءَ فِي النَّهْيِ عَنْ ضَرْبِ الْخُدُودِ وَشَقِّ الْجُبُوبِ عِنْدَ الْمُصِيبَةِ (التحفة ٢٢)

٩٩٩ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ سُفْيَانَ قَالَ: حَدَّثَنِي زَيْدُ الْأَيَّامِيِّ عَنْ إِبْرَاهِيمَ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ قَالَ: «لَيْسَ مِنَّا مَنْ شَقَّ الْجُبُوبَ وَضَرَبَ الْخُدُودَ وَدَعَا بِدَعْوَةِ الْجَاهِلِيَّةِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه البخاري، الجنائز، باب: ليس منا من شق الجيوب، ح: ١٢٩٤ من حديث سفيان الثوري، ومسلم، ح: ١٠٣ من حديث مسروق به.

Comments:

It is natural to feel sad upon the death of a loved one and sometimes tears roll on cheeks with grief. It is but natural, and faith does not hinder the flow of sentiments. Sometimes some people go beyond the limits, they cry, they tear off their clothes; they rip out their hair, and do many other things to show their grief. It is unlawful to behave this way.

Chapter 23. What Has Been Related About It Being Disliked To Wail

(المعجم ٢٣) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ النَّوْحِ (التحفة ٢٣)

1000. 'Alī bin Rabī'ah Al-Asadī said: "A man died among the *Anṣār* named Qarazah bin Ka'b, and he was being wailed over. So Al-Mughīrah bin *Shu'bah* came and ascended the *Minbar*. He uttered thanks and praise to Allāh, and he said: "As for the gravity of wailing in Islām, indeed I heard the Messenger of Allāh ﷺ saying: 'The one who is wailed over is punished as long as he is being wailed over.'" (*Ṣaḥīḥ*)

There are narrations on this topic from 'Umar, 'Alī, Abū Mūsā, Qais bin 'Āṣim, Abū Hurairah, Junādah bin Mālik, Anas, Umm 'Aṭīyyah, Samurah, and Abū Mālik Al-Aṣḥarī.

Abū 'Eīsā said: The *Ḥadīth* of Al-Mughīrah is a *Gharīb Ḥasan Ṣaḥīḥ Ḥadīth*.

١٠٠٠ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا قُرَّانُ بْنُ تَمَّامٍ وَمَرْوَانُ بْنُ مُعَاوِيَةَ وَيَزِيدُ بْنُ هَارُونَ عَنْ سَعِيدِ بْنِ عَبْدِ الطَّائِبِ، عَنْ عَلِيِّ ابْنِ رَبِيعَةَ الْأَسَدِيِّ قَالَ: مَاتَ رَجُلٌ مِنَ الْأَنْصَارِ - يُقَالُ لَهُ قَرِظَةُ بْنُ كَعْبٍ - فَنِيحَ عَلَيْهِ فَجَاءَ الْمُغِيرَةُ بْنُ شُعْبَةَ فَصَعِدَ الْمِنْبَرَ فَحَمِدَ اللَّهَ وَأَثْنَى عَلَيْهِ وَقَالَ: مَا بَالُ النَّوْحِ فِي الْإِسْلَامِ أَمَا إِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ نِيحَ عَلَيْهِ عُذِّبَ مَا نِيحَ عَلَيْهِ».

وفي الباب عَنْ عُمَرَ وَعَلِيٍّ وَأَبِي مُوسَى وَقَيْسِ بْنِ عَاصِمٍ وَأَبِي هُرَيْرَةَ وَجُنَادَةَ بْنِ مَالِكٍ وَأَنْسٍ وَأُمِّ عَطِيَّةٍ وَسَمُرَةَ وَأَبِي مَالِكٍ الْأَشْعَرِيِّ.

قَالَ أَبُو عِيسَى: حَدِيثُ الْمُغِيرَةِ حَدِيثٌ غَرِيبٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه مسلم، الجنائز، باب الميت يعذب ببكاء أهله عليه، ح: ٩٣٣ من حديث مروان الفزاري والبخاري، ح: ١٢٩١ من حديث سعيد الطائبي به * وفي الباب عن عمر [يأتي: ١٠٠٢] وعلي [ابن أبي شبة: ٦٤/٣، ح: ١٢١٠٣] وأبي موسى [يأتي: ١٠٠٣] وقيس بن عاصم [النسائي، ح: ١٨٥٢] أبي هريرة [يأتي: ١٠٠١] ومسلم، ح: ٦٧ [وجنادة بن مالك [الطبراني

في الكبير: ٢/٢٨٢، ح: ٢١٧٨ [وأنس [مسلم، ح: ٩٢٧/٢١] وأم عطية [البخاري، ح: ١٣٠٦ ومسلم، ح: ٩٣٦] وسمرة [أحمد: ١٠/٥] وأبي مالك الأشعري [مسلم، ح: ٩٣٤].

Comments:

On the death of a dear one weeping and crying is a sign that the deceased is loved. Sentiments of love and grief are noble feelings, but crying and wailing, doing meaningless things, and narrating false attributes of the deceased while wailing are not allowed. It is unlawful and prohibited.

1001. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “There are four matters in my nation that are from the matters of *Jahiliyyah* which the people will not leave: Wailing, slandering one’s lineage, *Al-‘Adwā*^[1] – a camel gets mange, so one hundred camels get mange – but who gave the first camel mange? And *Al-Anwā*’ (saying): ‘We got rain because of this or that celestial positioning.’” (*Hasan*)

Abū ‘Eīsā said: This *Ḥadīth* is *Hasan*.

١٠٠١ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ: حَدَّثَنَا شُعْبَةُ وَالْمَسْعُودِيُّ عَنْ عَلْقَمَةَ بْنِ مَرْثَدٍ، عَنْ أَبِي الرَّبِيعِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَرْبَعٌ فِي أُمَّتِي مِنْ أَمْرِ الْجَاهِلِيَّةِ لَنْ يَدَعَهُنَّ النَّاسُ: النَّبَاحَةُ وَالطَّعْنُ فِي الْأَحْسَابِ وَالْعُدْوَى - أَجْرَبَ بَعِيرٌ فَأَجْرَبَ مِائَةٌ بَعِيرٍ - مَنْ أَجْرَبَ الْبَعِيرَ الْأَوَّلَ؟ وَالْأَنْوَاءُ: مُطَرِنَا بَنَوِءَ كَذَا وَكَذَا».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ.

تخريج: [إسناده حسن] وأخرجه أحمد: ٢/٢٩١، ٤١٤ من حديث المسعودي وشعبة به * أبو الربيع تقدم حاله: ٧٦٠ وللحديث شواهد عند مسلم، ح: ٦٧، ٩٣٤ وغيره.

Comments:

Al-‘Adwā is an infectious disease. This statement makes it clear that the thinking of the people of *Jahiliyyah* was wrong and disease did not pass to another animal by itself, but goes to another animal by the will of Allāh ﷻ. As the first person gets some disease with the will of Allāh ﷻ, the same way the second and third get the disease by the will of Allāh ﷻ.

Chapter 24. What Has Been Related About It Being Disliked To Cry Over The Deceased

1002. ‘Umar bin Al-Khattāb narrated that the Messenger of Allāh ﷺ said: “The deceased is

(المعجم ٢٤) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ الْبُكَاءِ عَلَى الْمَيِّتِ (التحفة ٢٤)

١٠٠٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ أَبِي زَبَادٍ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا

[1] As it is explained, it is the belief that a disease is contagious all by itself.

punished for the crying of his family over him.” (*Ṣaḥīḥ*)

There are narrations on this topic from Ibn ‘Umar and ‘Imrān bin Ḥuṣayn.

Abū ‘Eisā said: The *Ḥadīth* of ‘Umar is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

There are those among the people of knowledge who disliked crying over the deceased. They said: “The deceased is punished for the crying of his family over him.” So they followed this *Ḥadīth*. Ibn Al-Mubārak said: “I hope that if he (i.e., the deceased) had prohibited them (from doing so) during his life, then nothing will happen to him due to that.”

أَبِي عَنْ صَالِحِ بْنِ كَيْسَانَ، عَنِ الزُّهْرِيِّ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ قَالَ: قَالَ عُمَرُ ابْنُ الْخَطَّابِ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْمَيِّتُ يُعَذَّبُ بِبُكَاءِ أَهْلِهِ عَلَيْهِ».

وَفِي الْبَابِ عَنِ ابْنِ عُمَرَ وَعِمْرَانَ بْنِ حُصَيْنٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ عُمَرَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ كَرِهَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ الْبُكَاءَ عَلَى الْمَيِّتِ قَالُوا: الْمَيِّتُ يُعَذَّبُ بِبُكَاءِ أَهْلِهِ عَلَيْهِ، وَذَهَبُوا إِلَى هَذَا الْحَدِيثِ وَقَالَ ابْنُ الْمُبَارَكِ: أَرْجُو أَنْ كَانَ يَنْتَهَاهُمْ فِي حَيَاتِهِ أَنْ لَا يَكُونَ عَلَيْهِ مِنْ ذَلِكَ شَيْءٌ.

تخريج: [صحيح] وأخرجه النسائي: ١٦/٤، ح: ١٨٥١ (الجنائز، باب النهي عن البكاء على الميت) من حديث يعقوب به وهو في صحيح مسلم، ح: ٩٢٧ من حديث عبدالله بن عمر عنه به * وفي الباب عن ابن عمر [يأتي: ١٠٠٦] وعمران بن حصين [النسائي، ح: ١٨٥٥].

1003. Mūsā bin Abī Mūsā Al-Aṣḥārī narrated from his father that the Messenger of Allāh ﷺ said: “No one dies and they stand over him crying and saying: ‘O what a great man he was! O how respectful he was!’ except that two angels are appointed for him to poke him (saying): ‘Is that you?’” (*Ḥasan*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan Gharīb*.

١٠٠٣ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: أَخْبَرَنَا مُحَمَّدُ بْنُ عَمَّارٍ: حَدَّثَنِي أُسَيْدُ بْنُ أَبِي أُسَيْدٍ عَنْ مُوسَى بْنِ أَبِي مُوسَى الْأَشْعَرِيِّ أَخْبَرَهُ عَنْ أَبِيهِ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَا مِنْ مَيِّتٍ يَمُوتُ فَيَقُومُ بِأَكْبَهُمْ فَيَقُولُ: وَاجْبَلَاهُ وَاسَيِّدَاهُ أَوْ نَحْوَ ذَلِكَ إِلَّا وَكَّلَ بِهِ مَلَكَانَ يَلْهَزَانِهِ أَهْكَذَا كُنْتَ؟».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، الجنائز، باب ماجاء في الميت يعذب بما نوح عليه، ح: ١٥٩٤ من حديث أسيد به.

Comments:

Imām At-Tirmidhī has explained the narration of ‘Umar and clarified the weeping by which the deceased is punished and tortured. Crying with a loud voice, wailing and ripping out one’s hair, narrating false attributes of the

deceased and saying untrue things about him during wailing, all this brings punishment to the dead.

Chapter 25. What Has Been Related About The Permission For Crying Over The Deceased

1004. Yahya bin ‘Abdur-Raḥmān narrated from Ibn ‘Umar that the Prophet ﷺ said: “The deceased is punished for the crying of his family over him.” So ‘Āishah said: “May Allāh have mercy upon him. He has not lied, but he is mistaken. It is only that the Messenger of Allāh ﷺ said about a Jewish man who died: “The deceased is being punished and his family is crying over him.”” (*Hasan*)

(He said:) There are narrations on this topic from Ibn ‘Abbās, Qarazah bin Ka‘b, Abū Hurairah, Ibn Mas‘ūd and Usāmah bin Zaid.

Abū ‘Eīsā said: The *Ḥadīth* of ‘Āishah is a *Ḥasan Ṣaḥīḥ Ḥadīth*, and it has been reported through more than one route from ‘Āishah.

The people of knowledge followed this, and they interpreted it with the *Āyah*: No one laden with burdens can bear another’s burden.^[1]

This is the view of Ash-Shāfi‘i.

تخريج: [إسناده حسن] وأخرجه أحمد: ٣١/٢ من حديث محمد بن عمرو به * وفي الباب عن ابن عباس [أحمد: ٢٣٧، ٢٣٨، ٢٣٥] وقرظة بن كعب [الطبراني في الكبير: ٣٩/١٩، ٨٢] وأبي هريرة [النسائي، ح: ١٨٦٠] وابن مسعود [ابن حبان، ح: ٧٩٢] والحاكم: ٣٣٦/٢ وأصله عند ابن ماجه، ح: ١٥٧١ وأسامة بن زيد [البخاري، ح: ١٢٨٤] ومسلم، ح: ٩٢٣.

1005. Jābir bin ‘Abdullāh narrated: “The Prophet ﷺ took ‘Abdur-Raḥmān bin ‘Awf by the hand and

(المعجم ٢٥) - بَابُ مَا جَاءَ فِي الرُّخْصَةِ فِي الْبُكَاءِ عَلَى الْمَيِّتِ (التحفة ٢٥)

١٠٠٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبَّادُ بْنُ عَبَّادٍ الْمُهَلَّبِيُّ عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ يَحْيَى بْنِ عَبْدِ الرَّحْمَنِ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «الْمَيِّتُ يُعَذَّبُ بِبُكَاءِ أَهْلِهِ عَلَيْهِ». فَقَالَتْ عَائِشَةُ: يَرْحَمُهُ اللَّهُ لَمْ يَكْذِبْ وَلَكِنَّهُ وَهَمٌ، إِنَّمَا قَالَ رَسُولُ اللَّهِ ﷺ لِرَجُلٍ مَاتَ يَهُودِيًّا: «إِنَّ الْمَيِّتَ لَيُعَذَّبُ وَإِنْ أَهْلُهُ لَيَبْكُونَ عَلَيْهِ».

[قَالَ:] وفي الباب عن ابن عباس وقرظة ابن كعب وأبي هريرة وابن مسعود وأسامة ابن زيد.

قَالَ أَبُو عِيسَى: حَدِيثُ عَائِشَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رُوِيَ مِنْ غَيْرِ وَجْهِ عَنْ عَائِشَةَ. وَقَدْ ذَهَبَ أَهْلُ الْعِلْمِ إِلَى هَذَا وَتَأَوَّلُوا هَذِهِ الْآيَةَ ﴿وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَى﴾ [الإسراء: ١٥] وَهُوَ قَوْلُ الشَّافِعِيِّ.

١٠٠٥ - حَدَّثَنَا عَلِيُّ بْنُ حُسْرَمٍ: أَخْبَرَنَا عِيسَى بْنُ يُونُسَ عَنْ ابْنِ أَبِي لَيْلَى، عَنْ

^[1] *Al-Isrā'* 17:15.

went with him to his son Ibrāhīm. He found him in his last breaths, so he took him and put him on his lap and cried. ‘Abdur-Raḥmān said to him: ‘You cry? Didn’t you prohibit (your followers) from crying?’ He said: ‘No. But I prohibited two foolish immoral voices: A voice during a calamity while clawing at one’s face and tearing one’s clothes, and *Shaitān*’s scream.’” And there is more that is stated in the *Ḥadīth*. (*Hasan*)

Abū ‘Eīsā said: This *Ḥadīth* is *Hasan*.

عَطَاءٌ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: أَخَذَ النَّبِيُّ ﷺ بِيَدِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، فَأَنْطَلَقَ بِهِ إِلَى ابْنِهِ إِبْرَاهِيمَ فَوَجَدَهُ يَجُودُ بِنَفْسِهِ فَأَخَذَهُ النَّبِيُّ ﷺ فَوَضَعَهُ فِي جِجْرِهِ فَبَكَى، فَقَالَ لَهُ عَبْدُ الرَّحْمَنِ: أَتَبْكِي أَوْ لَمْ تَكُنْ نَهَيْتَ عَنِ الْبُكَاءِ؟ قَالَ: «لَا، وَلَكِنْ نَهَيْتَ عَنْ صَوْتَيْنِ أَحْمَقَيْنِ فَاجِرَيْنِ: صَوْتٍ عِنْدَ مُصِيبَةِ خَمْسٍ وَجُودٍ وَشَقِّ جُيُوبٍ وَرَنَةِ شَيْطَانٍ» وَفِي الْحَدِيثِ كَلَامٌ أَكْثَرُ مِنْ هَذَا.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ.

تخريج: [حسن] وأخرجه عبد بن حميد، ح: ١٠٠٦ من حديث محمد بن أبي ليلي به ولمحمد بن عبد الرحمن ابن أبي ليلي لون آخر عند الحاكم: ٤٠/٤ والطحاوي في معاني الآثار: ٢٩٣/٤ وللحديث شاهد عند البزار (كشف): ٣٧٧/١، ح: ٧٩٥ وسنده حسن وأورده الضياء في المختارة.

Comments:

This narration proves that weeping in a low voice or shedding tears is not prohibited, but lamenting, wailing and crying are prohibited.

1006. ‘Abdullāh bin Abī Bakr – and he is Ibn Muḥammad bin ‘Amr bin Ḥazm – narrated from his father, that ‘Amrah informed him that she heard ‘Āishah, while it was being mentioned to her that Ibn ‘Umar had said that the deceased would be punished for the crying of the living (over him). So ‘Āishah said: ‘May Allāh forgive Abū ‘Abdur-Raḥmān. He has not lied, but he has either forgotten or he is mistaken in the understanding. Rather, the Messenger of Allāh ﷺ passed by a Jewish woman who was being cried over, so he said: ‘They are crying over her and she is being punished in her grave.’” (*Ṣaḥīḥ*)

١٠٠٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا مَالِكٌ وَحَدَّثَنَا إِسْحَاقُ بْنُ مُوسَى الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنٌ: حَدَّثَنَا مَالِكٌ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ - وَهُوَ ابْنُ مُحَمَّدٍ بْنِ عَمْرِو بْنِ حَزْمٍ - عَنْ أَبِيهِ، عَنْ عَمْرَةَ أَنَّهَا أَخْبَرَتْهُ أَنَّهَا سَمِعَتْ عَائِشَةَ وَذَكَرَ لَهَا: أَنَّ ابْنَ عُمَرَ يَقُولُ: إِنَّ الْمَيِّتَ لَيُعَذَّبُ بِبُكَاءِ الْحَيِّ [عَلَيْهِ] فَقَالَتْ عَائِشَةُ: غَفَرَ اللَّهُ لِأَبِي عَبْدِ الرَّحْمَنِ أَمَا إِنَّهُ لَمْ يَكْذِبْ وَلَكِنَّهُ نَسِيَ أَوْ أَخْطَأَ، إِنَّمَا مَرَّ رَسُولُ اللَّهِ ﷺ عَلَى يَهُودِيَةٍ يُبْكِي عَلَيْهَا فَقَالَ: «إِنَّهُمْ لَيَبْكُونَ عَلَيْهَا وَإِنَّهَا لَتُعَذَّبُ فِي قَبْرِهَا».

Abū 'Eisā said: This *Hadīth* is
(*Hasan Ṣaḥīḥ*.)

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ [حَسَنٌ]
صَحِيحٌ.

تخريج: متفق عليه، وأخرجه مسلم، الجنائز، باب الميت يعذب ببكاء أهله عليه، ح: ٩٣٢/
٢٧ عن قتيبة والبخاري، ح: ١٢٨٩ من حديث مالك به وهو في الموطأ: ١/٢٣٤ (يحيى) باختلاف
يسير.

Comments:

'Aishah made it clear that the Jewish woman was being punished in the grave due to her disbelief and not due to crying and lamenting over her death by her relatives.

Chapter 26. What Has Been Related About Walking In Front Of (The Deceased Being Carried For) The Funeral

(المعجم ٢٦) - بَابُ مَا جَاءَ فِي الْمَشْيِ
أَمَامَ الْجَنَازَةِ (التحفة ٢٦)

1007. Sālim narrated that his
father said: "I saw the Prophet ﷺ,
Abū Bakr, and 'Umar walking in
front of the funeral." (*Hasan*)

١٠٠٧ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ وَأَحْمَدُ
ابْنُ مَنِيعٍ وَإِسْحَاقُ بْنُ مَيْسُورٍ وَمُحَمَّدُ بْنُ
عِيْلَانَ قَالُوا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ
الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ قَالَ: رَأَيْتُ
النَّبِيَّ ﷺ وَأَبَا بَكْرٍ وَعُمَرَ يَمْشُونَ أَمَامَ
الْجَنَازَةِ.

تخريج: [حسن] وأخرجه أبو داود، الجنائز، باب المشي أمام الجنائز، ح: ٣١٧٩ وابن
ماجه، ح: ١٤٨٢ والنسائي: ٥٦/٤، ح: ١٩٤٦ من حديث ابن عيينة به وصححه ابن
حبان (الإحسان): ٣٠٣٦ وله شواهد حسنة، انظر الحديث الآتي.

1008. Sālim bin 'Abdullāh
narrated that his father said: "I saw
the Prophet ﷺ, Abū Bakr, and
'Umar walking in front of the
funeral." (*Hasan*)

١٠٠٨ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ:
حَدَّثَنَا عُمَرُو بْنُ عَاصِمٍ: حَدَّثَنَا هَمَّامٌ عَنْ
مَنْصُورٍ وَبَكْرِ الْكُوفِيِّ وَزِيَادٍ وَسُفْيَانَ، كُلُّهُمْ
يَذْكُرُ أَنَّهُ [سَمِعَهُ مِنْ] الزُّهْرِيِّ عَنْ سَالِمٍ بْنِ
عَبْدِ اللَّهِ، عَنْ أَبِيهِ قَالَ: رَأَيْتُ النَّبِيَّ ﷺ وَأَبَا
بَكْرٍ وَعُمَرَ يَمْشُونَ أَمَامَ الْجَنَازَةِ.

تخريج: [إسناده حسن] وأخرجه النسائي: ٥٦/٤، ح: ١٩٤٧ (الجنائز، باب مكان الماشي
من الجنائز) من حديث همام به والزهرى صرح بالسماع عنده، وللحديث شواهد.

1009. Az-Zuhri said: "The Prophet ﷺ, Abū Bakr, and 'Umar would walk in front of the funeral." Az-Zuhri said: "Sālim informed me that his father would walk in front of the funeral." (*Hasan*)

He said: There is something on this topic from Anas.

Abū 'Eisā said: The *Hadīth* of Ibn 'Umar was reported like this from Ibn Juraij, Ziyād bin Sa'd, and others, from Az-Zuhri, from Sālim, from his father, and it is similar to the narration of Ibn 'Uyainah.^[1]

Ma'mar, Yūnus bin Yazīd, Mālik and others among the *Huffāz* reported it from Az-Zuhri: "The Prophet ﷺ would walk in front of the funeral." (Az-Zuhri said: "Sālim informed me that his father would walk in front of the funeral). All of the people of *Hadīth* thought that the *Mursal* narration about this is the most correct.

Abū 'Eisā said: I heard Yahya bin Mūsā saying: "I heard 'Abdur-Razzāq saying: 'Ibn Al-Mubārak said: "The *Hadīth* of Az-Zuhri about this, which is *Mursal*, is more correct than the *Hadīth* of Ibn 'Uyainah." Ibn Al-Mubārak said: "It seems that Ibn Juraij took the *Hadīth* from Ibn 'Uyainah."

Abū 'Eisā said: Hammām bin Yahya reported this *Hadīth* from Ziyād – and he is Ibn Sa'd – and Manṣūr, Bakr, and Sufyān from Az-Zuhri, from Sālim, from his father. And the only Sufyān that

١٠٠٩ - حَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ قَالَ: كَانَ النَّبِيُّ ﷺ وَأَبُو بَكْرٍ وَعُمَرُ يَمْشُونَ أَمَامَ الْجَنَازَةِ. قَالَ الزُّهْرِيُّ وَأَخْبَرَنِي سَالِمٌ: أَنَّ أَبَاهُ كَانَ يَمْشِي أَمَامَ الْجَنَازَةِ.

قَالَ: وَفِي الْبَابِ عَنْ أَنَسٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عُمَرَ هَكَذَا رَوَاهُ ابْنُ جُرَيْجٍ وَزِيَادُ بْنُ سَعْدٍ وَغَيْرُ وَاحِدٍ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ نَحْوَ حَدِيثِ ابْنِ عُيَيْنَةَ وَرَوَى مَعْمَرٌ وَيُوسُفُ بْنُ يَزِيدَ وَمَالِكٌ وَغَيْرُهُمْ مِنَ الْحَفَاطِ، عَنِ الزُّهْرِيِّ: أَنَّ النَّبِيَّ ﷺ كَانَ يَمْشِي أَمَامَ الْجَنَازَةِ [قَالَ الزُّهْرِيُّ: وَأَخْبَرَنِي سَالِمٌ أَنَّ أَبَاهُ كَانَ يَمْشِي أَمَامَ الْجَنَازَةِ]، وَأَهْلُ الْحَدِيثِ كُلُّهُمْ يَرَوْنَ أَنَّ الْحَدِيثَ الْمُرْسَلَ فِي ذَلِكَ أَصَحُّ.

قَالَ أَبُو عِيسَى: سَمِعْتُ يَحْيَى بْنَ مُوسَى يَقُولُ: سَمِعْتُ عَبْدَ الرَّزَّاقِ يَقُولُ: قَالَ ابْنُ الْمُبَارَكِ: حَدِيثُ الزُّهْرِيِّ فِي هَذَا مُرْسَلٌ أَصَحُّ مِنْ حَدِيثِ ابْنِ عُيَيْنَةَ. قَالَ ابْنُ الْمُبَارَكِ: وَارَى ابْنَ جُرَيْجٍ أَخَذَهُ عَنِ ابْنِ عُيَيْنَةَ.

قَالَ أَبُو عِيسَى: وَرَوَى هَمَّامُ بْنُ يَحْيَى هَذَا الْحَدِيثَ عَنْ زِيَادٍ، - وَهُوَ ابْنُ سَعْدٍ - وَمَنْصُورٌ وَبَكْرٌ وَسُفْيَانٌ عَنِ الزُّهْرِيِّ، عَنْ

^[1] That is, no. 1007.

Hammām reports from is Sufyān bin 'Uyainah.

The people of knowledge differ over walking in front of the funeral. Some of the people of knowledge, among the Companions of the Prophet ﷺ and others, thought that walking in front of the funeral is more virtuous. This is the view of Ash-Shāfi'ī, and Aḥmad.

(He said: The *Hadīth* of Anas on this topic is not preserved).

سَالِمٍ، عَنْ أَبِيهِ. وَإِنَّمَا هُوَ سُفْيَانُ بْنُ عُيَيْنَةَ رَوَى عَنْهُ هَمَّامٌ. وَاخْتَلَفَ أَهْلُ الْعِلْمِ فِي الْمَشْيِ أَمَامَ الْجَنَازَةِ فَرَأَى بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ أَنَّ الْمَشْيَ أَمَامَ الْجَنَازَةِ أَفْضَلُ وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ.

[قَالَ: وَحَدِيثُ أَنَسٍ فِي هَذَا الْبَابِ غَيْرُ مَحْفُوظٍ].

تخريج: [حسن] انظر الحديث السابق * وفي الباب عن أنس، [يأتي: ١٠١٠] * قول ابن المبارك صحيح عنه.

Comments:

Walking on any side of the funeral is allowed and lawful. All agree on this point.

1010. Anas bin Mālik narrated: "The Messenger of Allāh ﷺ would walk in front of the funeral, as did Abū Bakr, 'Umar, and 'Uthmān." (*Hasan*)

(Abū 'Eisā said:) I asked Muḥammad about this *Hadīth* and he said: "This *Hadīth* (is a mistake), Muḥammad bin Bakr was mistaken in it. This *Hadīth* was only reported from Yūnus, from Az-Zuhri: 'The Prophet ﷺ, Abū Bakr, and 'Umar would walk in front of the funeral.' Az-Zuhri said: 'Sālim informed me that his father would walk in front of the funeral.'" Muḥammad said: "This is more correct."

١٠١٠ - حَدَّثَنَا [أَبُو مُوسَى] مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ: حَدَّثَنَا يُونُسُ ابْنُ زَيْدٍ عَنِ الزُّهْرِيِّ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَمْشِي أَمَامَ الْجَنَازَةِ وَأَبُو بَكْرٍ وَعُمَرُ وَعُثْمَانُ.

[قَالَ أَبُو عِيسَى:] سَأَلْتُ مُحَمَّدًا عَنْ هَذَا الْحَدِيثِ فَقَالَ: هَذَا حَدِيثٌ [خَطَأً] أَخْطَأَ فِيهِ مُحَمَّدُ بْنُ بَكْرٍ وَإِنَّمَا يُرَوَّى هَذَا الْحَدِيثُ عَنْ يُونُسَ، عَنِ الزُّهْرِيِّ: أَنَّ النَّبِيَّ ﷺ وَأَبَا بَكْرٍ وَعُمَرُ كَانُوا يَمْشُونَ أَمَامَ الْجَنَازَةِ قَالَ الزُّهْرِيُّ: وَأَخْبَرَنِي سَالِمٌ: أَنَّ أَبَاهُ كَانَ يَمْشِي أَمَامَ الْجَنَازَةِ. قَالَ مُحَمَّدٌ: هَذَا أَصَحُّ.

تخريج: [حسن] وأخرجه ابن ماجه، الجنائز، باب ماجاء في المشي أمام الجنائز، ح: ١٤٨٣ من حديث محمد بن بكر به والحديث السابق: ١٠٠٨ شاهد له.

Chapter 27. What Has Been Related About Walking Behind (The Deceased Being Carried For) The Funeral

1011. Yahya, the Imām of Banū Taimillāh, narrated from Abū Mājid from ‘Abdullāh bin Mas‘ūd who said: “We asked the Messenger of Allāh ﷺ about walking behind the funeral. He said: ‘Less than a trot.’^[1] For if he was good, then you will be hastening him to it (goodness), and if he was evil, then it is only an inhabitant of the Fire that is being taken away.” The funeral is (to be) followed. The one who precedes it shall not have the reward of those who follow it.”^[2] (*Ḍa‘īf*)

Abū ‘Eīsā said: We do not know of this as a narration of ‘Abdullāh bin Mas‘ūd except from this route.

(He said:) I heard Muḥammad bin Ismā‘īl grading this narration of Abū Mājid weak. Muḥammad said: “Al-Ḥumaidī said: ‘Ibn ‘Uyainah said: “Yahya was asked about who this Abū Mājid was. He said: “A person who appeared unexpectedly and he narrated to us.”

Some of the people of knowledge among the Companions of the Prophet ﷺ and others followed this. They thought that walking behind (the funeral) was more virtuous. It was the view of Sufyān Ath-Thawrī and Ishāq. Abū Mājid is an unknown person, he has two *Aḥādīth* from Ibn Mas‘ūd. Yahya,

(المعجم ٢٧) - بَابُ مَا جَاءَ فِي الْمَشْيِ
خَلْفَ الْجَنَازَةِ (التحفة ٢٧)

١٠١١ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ عَنْ شُعْبَةَ، عَنْ يَحْيَى إِمَامِ بَنِي تَيْمِ اللَّهِ، عَنْ أَبِي مَاجِدٍ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ: سَأَلْنَا رَسُولَ اللَّهِ ﷺ، عَنِ الْمَشْيِ خَلْفَ الْجَنَازَةِ قَالَ: «مَا دُونَ [الْحَبَبِ]، فَإِنْ كَانَ خَيْرًا عَجَلْتُمُوهُ، وَإِنْ كَانَ شَرًّا فَلَا يُعَدُّ إِلَّا أَهْلُ النَّارِ، الْجَنَازَةُ مَتَّبِعَةٌ وَلَا تَتَّبِعْ، لَيْسَ مِنْهَا مَنْ تَقَدَّمَهَا».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ لَا نَعْرِفُهُ مِنْ حَدِيثِ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ إِلَّا مِنْ هَذَا الْوَجْهِ [قَالَ:] وَسَمِعْتُ مُحَمَّدَ بْنَ إِسْمَاعِيلَ يُضَعِّفُ حَدِيثَ أَبِي مَاجِدٍ هَذَا. وَقَالَ مُحَمَّدٌ: قَالَ الْحُمَيْدِيُّ: قَالَ ابْنُ عُيَيْنَةَ: قِيلَ لِيَحْيَى: مَنْ أَبُو مَاجِدٍ هَذَا؟ قَالَ: طَائِرٌ طَارَ فَحَدَّثَنَا. وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ إِلَى هَذَا، رَأَوْا أَنَّ الْمَشْيَ خَلْفَهَا أَفْضَلُ، وَبِهِ يَقُولُ سُفْيَانُ الثَّوْرِيُّ وَإِسْحَاقُ: وَأَبُو مَاجِدٍ رَجُلٌ مَجْهُولٌ وَلَهُ حَدِيثَانِ عَنِ ابْنِ مَسْعُودٍ: وَيَحْيَى إِمَامُ بَنِي تَيْمِ اللَّهِ ثِقَةٌ يُكْنَى أَبَا الْحَارِثِ وَيُقَالُ لَهُ يَحْيَى الْجَابِرِ، وَيُقَالُ لَهُ يَحْيَى الْمُخْبِرِ أَيْضًا وَهُوَ كُوفِيٌّ رَوَى لَهُ شُعْبَةُ وَسُفْيَانُ الثَّوْرِيُّ وَأَبُو الْأَحْوَصِ وَسُفْيَانُ بْنُ عُيَيْنَةَ.

^[1] Meaning, walk quickly, but not as fast as a trot.

^[2] That is: He does not get rewarded. See *Tuhfat Al-Aḥwadhī*.

the Imām of Banū Taimillāh is trustworthy. His *Kunyah* is Abul-Hārith, and they call him Yaḥya Al-Jābir, and they also call him Yaḥya Al-Mujbir. He is from Al-Kūfah, Shu‘bah, Sufyān Ath-Thawrī, Abū Al-Aḥwaṣ, and Sufyān bin ‘Uyainah report from him.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الجنايز، باب الإسراع، ح: ٣١٨٤ وابن ماجه، ح: ١٤٨٤ من حديث يحيى الجابر به.

Comments:

Accompanying a funeral is just to carry the deceased to the graveyard, and for this purpose any convenient way can be adopted.

Chapter 28. What Has Been Related About It Being Disliked To Ride Behind The Funeral

(المعجم ٢٨) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ الرُّكُوبِ خَلْفَ الْجَنَازَةِ (التحفة ٢٨)

1012. Thawbān narrated: “We went with the Prophet ﷺ (following) a funeral. He saw people riding so he said: ‘Are you not ashamed? Indeed Allāh’s angels are on their feet, while you are on the backs of your beasts”

(He said:) There are narrations on this topic from Al-Mughīrah bin Shu‘bah and Jābir bin Samurah.

Abū ‘Eisā said: The *Ḥadīth* of Thawbān has been reported from him in *Mawqūf* form [Muḥammad said: “The *Mawqūf* (version) is more correct.”]

١٠١٢ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ عَنْ [أبي] بَكْرِ بْنِ أَبِي مَرْيَمَ، عَنْ رَاشِدِ بْنِ سَعْدٍ، عَنْ ثَوْبَانَ قَالَ: خَرَجْنَا مَعَ النَّبِيِّ ﷺ فِي جَنَازَةٍ فَرَأَى نَاسًا رُكَبَانًا فَقَالَ: «أَلَا تَسْتَحْيُونَ؟ إِنَّ مَلَائِكَةَ اللَّهِ عَلَى أَقْدَامِهِمْ وَأَنْتُمْ عَلَى ظُهُورِ الدَّوَابِّ».

[قَالَ:] وَفِي الْبَابِ عَنِ الْمُغِيرَةِ بْنِ شُعْبَةَ وَجَابِرِ بْنِ سَمُرَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ ثَوْبَانَ قَدْ رُوِيَ عَنْهُ مَوْقُوفًا. [قَالَ مُحَمَّدٌ:] الْمَوْقُوفُ مِنْهُ أَصَحُّ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، الجنايز، باب ماجاء في شهود الجنايز، ح: ١٤٨٠ من حديث أبي بكر بن أبي مريم به، وأبو بكر ضعيف: وكان قد سرق بيته فاختلط (تقريب) * وفي الباب عن المغيرة بن شعبة [يأتي: ١٠٣١] وجابر بن سمرة [يأتي: ١٠١٣، ١٠١٤].

Comments:

Without any genuine reason, going with a funeral on a mount is not correct (*Sharḥ Al-Muḥadh-dhab* v.5. p. 279.) If someone is riding with a funeral he should remain behind the funeral.

Chapter 29. What Has Been Related About Permitting That

1013. Jābir bin Samurah narrated: “We were with the Prophet ﷺ (following) the funeral of Ibn Ad-Daḥdāḥ, and he was on a horse that was walking quickly, and we were around him, and he was trotting.” (*Ṣaḥīḥ*)

تخریج: وأخرجه مسلم، الجنائز، باب ركوب المصلي على الجنازة إذا انصرف، ح: ٩٦٥ من حديث شعبة به.

Comments:

“*Yatawaqqas*” means trotting or walking with small steps.

1014. Jābir bin Samurah narrated: “The Prophet ﷺ followed the funeral of Ibn Ad-Daḥdāḥ walking, and he returned on horseback.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Ḥadīth* is *Hasan Ṣaḥīḥ*.

(المعجم ٢٩) - بَابُ مَا جَاءَ فِي الرُّخْصَةِ فِي ذَلِكَ (التحفة ٢٩)

١٠١٣ - حَدَّثَنَا مُحَمَّدُ بْنُ غِيلَانَ: حَدَّثَنَا أَبُو دَاوُدَ: حَدَّثَنَا شُعْبَةُ عَنْ سِمَاكِ بْنِ حَرْبٍ قَالَ: سَمِعْتُ جَابِرَ بْنَ سَمُرَةَ يَقُولُ: كُنَّا مَعَ النَّبِيِّ ﷺ فِي جَنَازَةِ ابْنِ الدَّحْدَاحِ، وَهُوَ عَلَى فَرَسٍ لَهُ يَسْعَى وَنَحْنُ حَوْلَهُ وَهُوَ يَتَوَقَّصُ بِهِ.

١٠١٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الصَّبَّاحِ الْهَاشِمِيُّ: حَدَّثَنَا أَبُو قُتَيْبَةَ عَنِ الْجَرَّاحِ، عَنْ سِمَاكِ، عَنْ جَابِرِ بْنِ سَمُرَةَ: أَنَّ النَّبِيَّ ﷺ اتَّبَعَ جَنَازَةَ ابْنِ الدَّحْدَاحِ مَاشِيًا وَرَجَعَ عَلَى فَرَسٍ. قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: [إسناده صحيح] * أبو قتيبة هو مسلم بن قتيبة، والجراح هو ابن مليح الرواسي.

Comments:

This narration proves that returning from a funeral, after burying the dead on a mount is allowed and correct and there is no difference of opinion on this issue. (*Al-Mughnī* v. 2. p. 397.)

Chapter 30. What Has Been Related About Haste For The Funeral (Procession)

1015. Abū Hurairah narrated that the Prophet ﷺ said: “Hurry up with the funeral (procession) for if it was good, you are advancing it to good, and it was evil, then you are taking it off of your necks.” (*Ṣaḥīḥ*)

There is something on this topic from Abū Bakrah.

(المعجم ٣٠) - بَابُ مَا جَاءَ فِي الْإِسْرَاعِ بِالْجَنَازَةِ (التحفة ٣٠)

١٠١٥ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا [سُفْيَانُ] بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ: سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ عَنْ أَبِي هُرَيْرَةَ يُبْلَغُ بِهِ النَّبِيُّ ﷺ قَالَ: «أَسْرِعُوا بِالْجَنَازَةِ فَإِنَّ تَكْ خَيْرًا تَقْدُمُوهَا إِلَيْهِ، وَإِنْ تَكْ شَرًّا تَصْعُوهُ عَنْ رِقَابِكُمْ».

Abū 'Eīsā said: The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

وَفِي الْبَابِ عَنْ أَبِي بَكْرَةَ.
قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ
حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، أخرجه البخاري، الجنائز، باب السرعة بالجنائز، ح: ١٣١٥ ومسلم، ح: ٩٤٤ من حديث ابن عيينة به * وفي الباب عن أبي بكرة [أبو داود، ح: ٣١٨٢].

Comments:

Without any consideration that the deceased is a pious person or sinful and wrong doer, haste should be made to prepare the body for burial and brought to the graveyard quickly without any delay.

Chapter 31. What Has Been Related About Those Killed At Uḥud, and Mention of Ḥamzah

(المعجم ٣١) - بَابُ مَا جَاءَ فِي قَتْلِ
أُحِدٍ وَذِكْرِ حَمْزَةَ (التحفة ٣١)

1016. Anas bin Mālik narrated: "The Messenger of Allāh ﷺ came to Ḥamzah on the Day of Uḥud, he stood over him and saw that he had been mutilated. He said: Had it not been that Ṣafīyyah would be distressed, then I would have left him to be eaten by the beasts until he was gathered on the Day of Judgement from their stomachs." He said: "Then he called for a *Namirah* to shroud him with. When it was extended over his head, it left his feet exposed, and when it was extended over his feet, it left his head exposed." He said: "There were many dead and few cloths." He said: "One, two and three men were shrouded in one cloth and buried in one grave." He said: "So the Messenger of Allāh ﷺ was asking which of them knew the most Qur'ān, so he could put him toward the *Qiblah*." He said: "So

١٠١٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو صَفْوَانَ عَنْ أُسَامَةَ بْنِ زَيْدٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: أَتَى رَسُولُ اللَّهِ ﷺ عَلَى حَمْزَةَ يَوْمَ أُحُدٍ فَوَقَفَ عَلَيْهِ فَرَأَاهُ قَدْ مُثِّلَ بِهِ، فَقَالَ: (لَوْلَا أَن تَجِدَ صَفِيَّةً فِي نَفْسِهَا لَتَرَكْتُهُ حَتَّى تَأْكُلَهُ الْعَافِيَةُ حَتَّى يُحْشَرَ يَوْمَ الْقِيَامَةِ مِنْ بُطُونِهَا). قَالَ: ثُمَّ دَعَا بِنَمْرَةٍ فَكَفَّنَهُ فِيهَا فَكَانَتْ إِذَا مَدَّتْ عَلَى رَأْسِهِ بَدَتْ رِجْلَاهُ، وَإِذَا مَدَّتْ عَلَى رِجْلَيْهِ بَدَا رَأْسُهُ. قَالَ: فَكَثُرَ الْقَتْلَى وَقَلَّتِ الثِّيَابُ، قَالَ: فَكَفَّنَ الرَّجُلُ وَالرَّجُلَانِ وَالثَّلَاثَةُ فِي الثَّوْبِ الْوَاحِدِ ثُمَّ يُدْفَنُونَ فِي قَبْرِ وَاحِدٍ. قَالَ: فَجَعَلَ رَسُولُ اللَّهِ ﷺ يَسْأَلُ عَنْهُمْ أَيُّهُمْ أَكْثَرَ قُرْآنًا فَيَقْدِمُهُ إِلَى الْقَبْلَةِ. قَالَ: فَدَفَنَهُمْ رَسُولُ اللَّهِ ﷺ وَلَمْ يُصَلِّ عَلَيْهِمْ.

the Messenger of Allāh ﷺ buried them and he did not perform (funeral prayers) for them.” (*Da'if*)

Abū 'Eisā said: The *Hadīth* of Anas is a *Hasan Gharīb Hadīth*. We do not know of it as a *Hadīth* of Anas except through this route. (And *An-Namirah* is an old garment.)

Usāmah bin Zaid has been contradicted in this narration. Al-Laith bin Sa'd reported it from Ibn Shihāb, from 'Abdur-Raḥmān bin Ka'b bin Mālik, from Jābir bin 'Abdullāh bin Zaid. And, Ma'mar reported it from Az-Zuhrī, from 'Abdullāh bin Tha'labah, from Jābir. We do not know of anyone who mentioned it as a narration of Az-Zuhrī from Anas, except for Usāmah bin Zaid.

I asked Muḥammad about this *Hadīth*, and he said: “The *Hadīth* of Al-Laith from Ibn Shihāb, from 'Abdur-Raḥmān bin Ka'b bin Mālik bin Jābir is more correct.”

تخریج: [إسناده ضعيف] وأخرجه أبو داود، الجنائز، باب: في الشهيد يغسل، ح: ٣١٣٦ عن قتيبة به وصححه الحاكم: ١٩٦/٣ ووافقه الذهبي والزهري مدلس وعنعن، وللحديث شواهد، حديث الليث [يأتي: ٣٠٣٦].

Comments:

This narration is a proof that the Prophet ﷺ did not perform the funeral prayer of the martyrs of Uḥud. The issue of the performing funeral prayer of martyrs will be discussed in a forthcoming chapter. Religious scholars and those who have learnt the Qur'ān by heart are honorable and respected in this world, and their respect will remain after their death.

Chapter 32. Something Else (Regarding The *Sunnah* For Visiting The Sick And Attending The Funeral)

1017. Anas bin Mālik narrated: “The Messenger of Allāh ﷺ would

قَالَ أَبُو عِيسَى: حَدِيثُ أَنَسٍ حَدِيثٌ حَسَنٌ غَرِيبٌ. لَا نَعْرِفُهُ مِنْ حَدِيثِ أَنَسٍ إِلَّا مِنْ هَذَا الْوَجْهِ. [التَّمَرَةُ: الْكِسَاءُ الْخَلِيقُ. وَقَدْ خُولِفَ أُسَامَةُ بْنُ زَيْدٍ فِي رِوَايَةِ هَذَا الْحَدِيثِ، فَرَوَى اللَّيْثُ بْنُ سَعْدٍ عَنْ ابْنِ شِهَابٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ كَعْبٍ بْنِ مَالِكٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ بْنِ زَيْدٍ. وَرَوَى مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ ثَعْلَبَةَ، عَنْ جَابِرٍ، وَلَا نَعْلَمُ أَحَدًا ذَكَرَهُ عَنِ الزُّهْرِيِّ، عَنْ أَنَسٍ إِلَّا أُسَامَةُ بْنُ زَيْدٍ. وَسَأَلْتُ مُحَمَّدًا عَنْ هَذَا الْحَدِيثِ؟ فَقَالَ: حَدِيثُ اللَّيْثِ عَنِ ابْنِ شِهَابٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ كَعْبٍ بْنِ مَالِكٍ، عَنْ جَابِرٍ، أَصَحُّ.]

(المعجم ٣٢) - بَابُ آخَرُ: [فِي سُنَّةِ عِبَادَةِ الْمَرِيضِ وَشُهُودِ الْجَنَائِزَةِ] (التحفة ٣٢)

١٠١٧ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا

visit the sick, attend the funerals, ride a donkey, accept the invitation of a slave, and on the Day of Banū Quraizah he was on a donkey muzzled with a cord of fibers and a pack-saddle made of fibers.” (*Daʿīf*)

Abū ‘Eisā said: We do not know this *Hadīth* except from the narration of Muslim from Anas. Muslim Al-Aʿwar was graded weak. His name is Muslim bin Kaisān Al-Mulāʾī, and he has been criticized. *Shuʿbah* and *Sufyān* report from him.

عَلِيُّ بْنُ مُسْهِرٍ عَنْ مُسْلِمِ الْأَعْوَرِ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَعُودُ الْمَرِيضَ وَيَشْهَدُ الْجَنَازَةَ، وَيَرْكَبُ الْحِمَارَ، وَيُجِيبُ دَعْوَةَ الْعَبْدِ، وَكَانَ يَوْمَ بَنِي قُرَيْظَةَ عَلَى حِمَارٍ مَخْطُومٍ بِحَبْلِ مِنْ لَيْفٍ عَلَيْهِ إِكَافٌ لَيْفٌ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ مُسْلِمٍ عَنْ أَنَسٍ. وَمُسْلِمُ الْأَعْوَرِ يُضَعَّفُ وَهُوَ مُسْلِمُ بْنُ كَيْسَانَ الْمُلَائِي تَكَلَّمَ فِيهِ. وَقَدْ رَوَى عَنْهُ شُعْبَةُ وَصُفْيَانُ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، الزهد، باب البراءة من الكبر والتواضع، ح: ٤١٧٨ من حديث مسلم الأعور به وهو ضعيف.

Comments:

There are many narrations which prove that the attitude of the Prophet ﷺ with his Companions was very affectionate and kind. He always participated in their joys and grief and he never made any difference between rich and poor. He participated in all occasions of his Companions. Whatever mount was available he used it.

Chapter 33. Where Are The Prophets To Be Buried?

1018. ‘Aishah narrated: “When the Messenger of Allāh ﷺ died, they disagreed over where to bury him. So Abū Bakr said: ‘I heard the Messenger of Allāh ﷺ saying something which I have not forgotten, he said: “Allāh does not take (the life of) a Prophet except at the location in which He wants him to be buried.”’ So they buried him at the spot of his bed.” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Hadīth* is *Gharīb*. ‘Abdur-Raḥmān bin Abī Bakr Al-Mulaikī was graded weak because of his memory. But this *Hadīth* has been reported through

(المعجم ٣٣) - بَابُ: [أَيْنَ تُدْفَنُ الْأَنْبِيَاءُ]

(التحفة ٣٣)

١٠١٨ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرٍ، عَنْ ابْنِ أَبِي مُلَيْكَةَ، عَنْ عَائِشَةَ قَالَتْ: لَمَّا قُبِضَ رَسُولُ اللَّهِ ﷺ اخْتَلَفُوا فِي دَفْنِهِ، فَقَالَ أَبُو بَكْرٍ: سَمِعْتُ مِنْ رَسُولِ اللَّهِ ﷺ شَيْئًا مَا نَسِيتهُ قَالَ: «مَا قُبِضَ اللَّهُ نَبِيًّا إِلَّا فِي الْمَوْضِعِ الَّذِي يُحِبُّ أَنْ يُدْفَنَ فِيهِ»، فَدَفَنُوهُ فِي مَوْضِعٍ فَرَأَاهُ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ. وَعَبْدُ الرَّحْمَنِ بْنُ أَبِي بَكْرٍ الْمُلَيْكِيُّ يُضَعَّفُ

routes other than this one. Ibn 'Abbās reported it from Abū Bakr Aṣ-Ṣiddīq, from the Prophet ﷺ (as well).

مِنْ قَبْلِ حِفْظِهِ. وَقَدْ رُوِيَ هَذَا الْحَدِيثُ مِنْ غَيْرِ هَذَا الْوَجْهِ. رَوَاهُ ابْنُ عَبَّاسٍ عَنْ أَبِي بَكْرٍ الصَّدِيقِ عَنِ النَّبِيِّ ﷺ [أَيْضًا].

تخریج: [صحیح] وأخرجه أحمد بن علي بن سعيد المروزي في مسند أبي بكر، ح: ٤٣ من حديث أبي كريب به وللحديث شواهد كثيرة عند ابن سعد وغيره، راجع تسهيل الحاجة، ح: ١٦٢٨.

Comments:

This narration proves that the body of the Prophet ﷺ was buried in his room, and this was the perfect and appropriate place for his burial. According to 'Āishah there was a reason behind this Will of Allāh ﷻ. If he had been buried in a graveyard the people would have started worshipping him. Today we see people performing acts of *Shirk* at the graves of the pious people.

Chapter 34. Something Else (Regarding The Order To Mention Good Things About The Deceased And To Refrain From Mentioning Their Evil)

(المعجم ٣٤) - بَابُ: آخَرُ [فِي الْأَمْرِ بِذِكْرِ مَحَاسِنِ الْمَوْتَى وَالْكَفِّ عَنْ مَسَاوِيهِمْ] (التحفة ٣٤)

1019. Ibn 'Umar narrated that the Messenger of Allāh ﷺ said: "Mention good things about your dead, and refrain from (mentioning) their evil." (*Da'if*)

١٠١٩ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا مُعَاوِيَةُ ابْنُ هِشَامٍ عَنْ عِمْرَانَ بْنِ أَنَسٍ الْمَكِّيِّ، عَنْ عَطَاءٍ، عَنِ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «اذْكُرُوا مَحَاسِنَ مَوْتَانِكُمْ وَكُفُّوا عَنْ مَسَاوِيهِمْ». قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ. سَمِعْتُ مُحَمَّدًا يَقُولُ: عِمْرَانُ بْنُ أَنَسٍ الْمَكِّيِّ مُتَكِّرُ الْحَدِيثِ. وَرَوَى بَعْضُهُمْ عَنْ عَطَاءٍ، عَنْ عَائِشَةَ. [قَالَ] وَعِمْرَانُ بْنُ أَبِي أَنَسٍ مِصْرِيٌّ أَثْبَتٌ وَأَقْدَمُ مِنْ عِمْرَانَ بْنِ أَنَسٍ الْمَكِّيِّ.

Abū 'Eisā said: This *Hadīth* is *Gharīb*. I heard Muḥammad saying: "Imrān bin Anas Al-Makkī is *Munkar* in *Hadīth*."^[1] Some of them reported it from 'Aṭā', from 'Āishah. (He said:) 'Imrān bin Abī Anas the Egyptian is more reliable and earlier than 'Imrān bin Anas Al-Makkī.

تخریج: [إسناده ضعيف] وأخرجه أبو داود، الأدب، باب: في النهي عن سب الموتى، ح: ٤٩٠٠ عن أبي كريب محمد بن العلاء به وأورده ابن حبان في صحيحه (الإحسان): ٣٠٠٩.

Comments:

Good and noble characteristics of the pious and righteous should be publicized so the masses could follow them and if by chance there is a shortcoming in their character it should be concealed. It is not proper to make it public.

^[1] Meaning: "They abandoned him," that is they would not narrate from him.

Chapter 35. What Has Been Related About Sitting Before The Deceased Is Placed In The Grave

1020. 'Ubādah bin Aṣ-Ṣāmiṭ said: "When the Messenger of Allāh ﷺ follows a corpse, he would not sit until (the deceased was) placed in the *Laḥd*.^[1] A rabbi came upon him and said: 'This is what we do, O Muḥammad.'" He said: "So the Messenger of Allāh ﷺ sat, and he said: 'Differ from them.'" (*Da'īf*)

Abū 'Eīsā said: This *Hadīth* is *Gharīb*. Bishr bin Rāfi' is not strong in *Hadīth*.

(المعجم ٣٥) - بَابُ مَا جَاءَ فِي
الْجُلُوسِ قَبْلَ أَنْ تُوَضَعَ (التحفة ٣٥)

١٠٢٠ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا صَفْوَانُ بْنُ عِيسَى عَنْ بَشْرِ بْنِ رَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ سُلَيْمَانَ بْنِ جُنَادَةَ بْنِ أَبِي أُمَيَّةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا اتَّبَعَ الْجَنَازَةَ لَمْ يَقْعُدْ حَتَّى تُوَضَعَ فِي اللَّحْدِ، فَعَرَضَ لَهُ حَبْرٌ فَقَالَ: هَكَذَا نَضْعُ يَا مُحَمَّدُ قَالَ: فَجَلَسَ رَسُولُ اللَّهِ ﷺ وَقَالَ: «خَالِفُوهُمْ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ. وَبَشْرُ بْنُ رَافِعٍ لَيْسَ بِالْقَوِيِّ فِي الْحَدِيثِ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، الجنائز، باب ما جاء في القيام للجنائز، ح: ١٥٤٥ عن محمد بن بشار به، بشر بن رافع ضعيف وعبدالله بن سليمان ضعيف وأبوه سليمان ابن جنادة منكر الحديث (تقريب) وللحديث شواهد.

Comments:

Imām Abū Qudāmah writes that whoever goes with the funeral, he should not sit until the deceased is placed on the ground.

Chapter 36. The Virtue In The Calamity When One Patiently Seeks A Reward For It

1021. Abū Sinān said: "I buried my son Sinān and Abū Ṭalḥah Al-Khawlānī was sitting on the rim of the grave. When I wanted to leave he took me by my hand and said: 'Shall I not inform you of some good news O Abū Sinān!' I said: 'Of course.' He said: 'Aḍ-Ḍaḥḥāk bin 'Abdur-Raḥmān bin 'Arzab

(المعجم ٣٦) - بَابُ فَضْلِ الْمُصِيبَةِ إِذَا
اِحْتَسَبَ (التحفة ٣٦)

١٠٢١ - حَدَّثَنَا سُؤَيْدُ بْنُ نَصْرٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ أَبِي سِنَانٍ قَالَ: دَفَنْتُ ابْنِي سِنَانًا وَأَبُو طَلْحَةَ الْخَوْلَانِيُّ جَالِسٌ عَلَى شَفِيرِ الْقَبْرِ فَلَمَّا أَرَدْتُ الْخُرُوجَ أَخَذَ بِيَدِي فَقَالَ: أَلَا أَبَشِّرُكَ يَا أَبَا سِنَانٍ؟ قُلْتُ: بَلَى قَالَ: حَدَّثَنِي الضَّحَّاكُ بْنُ

^[1] The niche excavated on the side of the grave.

narrated to me, from Abū Mūsā Al-Ash'arī: "The Messenger of Allāh ﷺ said: 'When a child of the slave (of Allāh) dies, Allāh says to the angels: "Have you taken My slave's child?" They reply: "Yes." He says: "Have you taken the fruits of his work." They reply: "Yes." So He says: "What did My slave say?" They reply: "He praised you and mentioned that to You is the return." So Allāh says: "Build a house in Paradise for My slave, and name it 'the house of praise.'" (Da'if)

Abū 'Eīsā said: This *Hadīth* is *Gharīb*.

تخريج: [إسناده ضعيف] وأخرجه أحمد: ٤/١٥٠ من حديث ابن المبارك به وهو في الزهد له، ص: ٢٧، ح: ١٠٨ رواية نعيم بن حماد الصدوق، وصححه ابن حبان، ح: ٧٢٧ وحسنه البغوي في شرح السنة، ح: ١٥٤٩ وقال البيهقي: ١/٢٨٤، ٢٨٥ "الضحاك بن عبدالرحمن لم يثبت سماعه من أبي موسى وعيسى بن سنان ضعيف".

Comments:

Children are very dear to parents, and it is very difficult to be patient on their death. But the people who submit to the Will of Allāh ﷻ and bear the grief get reward from Allāh ﷻ, and their place is in Paradise.

Chapter 37. What Has Been Related About The *Takbīr* For The Funeral (Prayer)

1022. Abū Hurairah narrated: "The Prophet ﷺ prayed and in the funeral prayer he for An-Najāshī, said four *Takbīr*."

(He said:) There are narrations on this topic from Ibn 'Abbās, Ibn Abī Awfa, Jābir, Anas, and Yazīd bin Thābit.

Abū 'Eīsā said: Yazīd bin Thābit is the brother of Zaid bin Thābit, and

عَبْدُ الرَّحْمَنِ بْنِ عَزْرَبَ عَنْ أَبِي مُوسَى الْأَشْعَرِيِّ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِذَا مَاتَ وَلَدُ الْعَبْدِ قَالَ اللَّهُ لِمَلَائِكَتِهِ: قَبَضْتُمْ وَلَدَ عَبْدِي؟ فَيَقُولُونَ: نَعَمْ، فَيَقُولُ: قَبَضْتُمْ ثَمَرَةَ فُؤَادِهِ فَيَقُولُونَ: نَعَمْ، فَيَقُولُ: مَاذَا قَالَ عَبْدِي؟ فَيَقُولُونَ: حَمْدَكَ وَاسْتِرْجَعَ، فَيَقُولُ اللَّهُ: ابْنُوا لِعَبْدِي بَيْتًا فِي الْجَنَّةِ وَسَمُّوهُ بَيْتَ الْحَمْدِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ.

(المعجم ٣٧) - بَابُ مَا جَاءَ فِي التَّكْبِيرِ عَلَى الْجَنَازَةِ (التحفة ٣٧)

١٠٢٢ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبرَاهِيمَ: حَدَّثَنَا مَعْمَرٌ عَنْ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ النَّبِيَّ ﷺ صَلَّى عَلَى النَّجَاشِيِّ فَكَبَّرَ أَرْبَعًا.

[قَالَ:] وَفِي الْبَابِ عَنْ ابْنِ عَبَّاسٍ وَابْنِ أَبِي أَوْفَى وَجَابِرٍ وَأَنَسٍ وَيَزِيدَ بْنِ ثَابِتٍ.

he is older than him. He participated in (the battle of) Badr, while Zaid did not participate in Badr. (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others. They thought that there should be four *Takbīr* for the funeral (prayer). This is the saying of Sufyān Ath-Thawrī, Mālik bin Anas, Ibn Al-Mubārak, Ash-Shāfi'ī, Aḥmad, and Ishāq.

تخریج: متفق عليه، وأخرجه البخاري، الجنائز، باب الصفوف على الجنازة، ح: ١٣١٨ من حديث معمر ومسلم، ح: ٩٥١ من حديث الزهري به * وفي الباب عن ابن عباس [ابن ماجه، ح: ١٥٠٤] وابن أبي أوفى [ابن ماجه، ح: ١٥٠٣] وجابر [البخاري، ح: ١٣٣٤] ومسلم، ح: ٩٥٢ [وزيد بن ثابت [ابن ماجه، ح: ١٥٢٨] وأنس [يأتي: ١٠٣٤ مختصراً وأبو داود، ح: ٣١٩٤].

1023. 'Abdur-Raḥmān bin Abī Lailā said: "Zaid bin Arqam would say four *Takbīr* for our funerals. (Once) he said five *Takbīr* for a funeral so we asked him about that and he said: 'The Messenger of Allāh ﷺ would say those *Takbīr*.'" (*Ṣaḥīḥ*)

Abū 'Eisā said: The *Ḥadīth* of Zaid bin Arqam is a *Ḥasan Ṣaḥīḥ Ḥadīth*. Some of the people of knowledge among the Companions of the Prophet ﷺ and others held the view that there should be five *Takbīr* for the funeral (prayer). Aḥmad and Ishāq said: When the *Imām* says five *Takbīr* for the funeral, then he is to follow the *Imām*.

قَالَ أَبُو عِيسَى: وَيَزِيدُ بْنُ ثَابِتٍ هُوَ أَخُو زَيْدِ بْنِ ثَابِتٍ وَهُوَ أَكْبَرُ مِنْهُ، شَهِدَ بَدْرًا وَزَيْدٌ لَمْ يَشْهَدْ بَدْرًا.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ يَرَوْنَ التَّكْبِيرَ عَلَى الْجَنَازَةِ أَرْبَعَ تَكْبِيرَاتٍ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَمَالِكِ بْنِ أَنَسٍ وَابْنِ الْمُبَارَكِ وَالشَّافِعِيِّ وَأَحْمَدُ وَإِسْحَاقُ.

١٠٢٣ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ عَمْرِو بْنِ مَرْة، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى قَالَ: كَانَ زَيْدُ بْنُ أَرْقَمَ يُكَبِّرُ عَلَى جَنَائِزِنَا أَرْبَعًا وَإِنَّهُ كَبَّرَ عَلَى جَنَازَةِ خَمْسًا فَسَأَلْنَاهُ عَنْ ذَلِكَ فَقَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يُكَبِّرُهَا.

قَالَ أَبُو عِيسَى: حَدِيثُ زَيْدِ بْنِ أَرْقَمَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ إِلَى هَذَا مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ رَأَوْا التَّكْبِيرَ عَلَى الْجَنَازَةِ خَمْسًا وَقَالَ أَحْمَدُ وَإِسْحَاقُ: إِذَا كَبَّرَ الْإِمَامُ عَلَى الْجَنَازَةِ خَمْسًا فَإِنَّهُ يَتَّبِعُ الْإِمَامَ.

تخریج: وأخرجه مسلم، الجنائز، باب الصلاة على القبر، ح: ٩٥٧ عن محمد بن المثنى به.

Comments:

According to *Hanbalis* more than seven and less than four *Takbīr* are not lawful for a funeral prayer. It is approved to say four *Takbīr* in a funeral prayer.

Chapter 38. What Is To Be Said In The *Ṣalāt* For The Deceased

1024. Abū Ibrāhīm Al-Ashhālī narrated from his father who said: “When the Messenger of Allāh ﷺ would perform the *Ṣalāt* for the funeral he would say: (*Allāhummagfir li-hayyīnā wa mayyitīnā, wa shāhidīnā wa ghā'ibīnā, wa ṣaghīrīnā wa kabīrīnā, wa dhakarīnā wa unthānā*) ‘O Allāh! Forgive our living and our deceased, our present and our absent, our young and our old, our male and our female.’” (*Ṣaḥīḥ*)

Yaḥya said: “Abū Salamah bin ‘Abdur-Raḥmān narrated from Abū Hurairah, from the Prophet ﷺ, what is similar to that, but he added: (*Allāhumma man aḥyayitahu minnā fa ahyihi ‘alal-Isām, wa man tawaffaitahu minnā fatawaffahu ‘alal-Imān*) ‘O Allāh! Whoever among us You cause to live, make him live upon Islām, and whomever among us You cause to die, make him die upon faith.’”

(He said:) There are narrations on this topic from ‘Abdur-Raḥmān bin ‘Awf, ‘Āishah, Abū Qatādah, Jābir, and ‘Awf bin Mālik.

Abū ‘Eīsā said: The *Ḥadīth* of the father of Abū Ibrāhīm is a *Ḥasan Ṣaḥīḥ Ḥadīth*. Hishām Ad-Dastawā’ī and ‘Alī bin Al-Mubārak reported this *Ḥadīth* from Yaḥyā bin Abī Kathīr from Abū Salamah bin ‘Abdur-Raḥmān, from the Prophet ﷺ, in *Mursal* form.

(المعجم ٣٨) - بَابُ مَا يَقُولُ فِي

الصَّلَاةِ عَلَى الْمَيِّتِ (التحفة ٣٨)

١٠٢٤ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا

هَقْلُ بْنُ زِيَادٍ: حَدَّثَنَا الْأَوْزَاعِيُّ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ: حَدَّثَنِي أَبُو إِبْرَاهِيمَ الْأَسْهَلِيُّ عَنْ أَبِيهِ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا صَلَّى عَلَى الْجَنَائِزِ قَالَ: «اللَّهُمَّ اغْفِرْ لِحَيِّنَا وَمَيِّتِنَا، وَشَاهِدِنَا وَعَافِيِنَا وَصَغِيرِنَا وَكَبِيرِنَا، وَذَكَرِنَا وَأُنْثَانَا» قَالَ يَحْيَى: وَحَدَّثَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ مِثْلَ ذَلِكَ وَزَادَ فِيهِ: «اللَّهُمَّ مَنْ أَحْيَيْتَهُ مِنَّا فَأَحْيِهِ عَلَى الْإِسْلَامِ، وَمَنْ تَوَفَّيْتَهُ مِنَّا فَتَوَفَّهُ عَلَى الْإِيمَانِ».

[قَالَ:] وَفِي الْبَابِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ وَعَائِشَةَ وَأَبِي قَتَادَةَ وَجَابِرٍ وَعَوْفٍ بْنِ مَالِكٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ وَالِدِ أَبِي إِبْرَاهِيمَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَرَوَى هِشَامُ الدُّسْتَوَائِيُّ وَعَلِيُّ بْنُ الْمُبَارَكِ هَذَا الْحَدِيثَ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنِ النَّبِيِّ ﷺ مُرْسَلًا. وَرَوَى عِكْرَمَةُ بْنُ عَمَّارٍ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ. وَحَدَّثَ عِكْرَمَةُ بْنُ عَمَّارٍ غَيْرُ مَحْفُوظٍ، وَعِكْرَمَةُ رُبَّمَا يَهُمُّ فِي حَدِيثِ يَحْيَى. وَرَوَى عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي قَتَادَةَ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ.

‘Ikrimah bin ‘Ammār reported it from Yahyā bin Abī Kathīr, from Abū Salamah, from ‘Āishah, from the Prophet ﷺ.

But the narration of ‘Ikrimah bin ‘Ammār is not preserved. Sometimes ‘Ikrimah is mistaken with the narrations of Yāhyā.

It has also been reported from Yahyā bin Abī Kathīr, from ‘Abdullāh bin Abī Qatādah, from his father, from the Prophet ﷺ.

Abū ‘Eīsā said: I heard Muḥammad saying: “The narration of this *Ḥadīth* of Yahyā bin Abī Kathīr that is the most correct is the one from Abū Ibrāhīm Al-Ash-halī, from his father.” He said: And I asked him about the name of Abū Ibrāhīm Al-Ash-halī, but he did not know it.

تخريج: [صحيح] وأخرجه النسائي في الكبرى، ح: ١٠٩٢٣ وعمل اليوم واللييلة، ح: ١٠٨٤ من حديث الأوزاعي به وسنده حسن وللحديث طرق عند أبي داود، ح: ٣٢٠١ وأحمد: ٢٩٩/٥، ١٩٨ وغيرهما وصححه ابن الجارود، ح: ٥٤١ * وفي الباب عن عبد الرحمن بن عوف [البحر الزخار: ٣/٢٥٤، ح: ١٥٤٥] وعائشة [البيهقي: ٤١/٤] والحاكم: ٣٥٨/١ وأبي قتادة [أحمد: ١٧٠/٤] والنسائي في عمل اليوم واللييلة، ح: ١٠٨٦ وجابر [أحمد: ٣/٣٥٧ وابن ماجه، ح: ١٥٠١] وعوف بن مالك [يأتي: ١٠٢٥].

1025. ‘Awf bin Mālik said: “I heard the Messenger of Allāh ﷺ, while he was performing *Ṣalāt* for a deceased person. I could hear him saying in his prayer: (*Allahummagfir lahu, war ḥamhu, waghsilhu bil-baradi (waghsilhu) kamā yughsaluth-thawb*) ‘O Allāh! Forgive him, have mercy upon him, and wash him with (snow or ice) (and wash him) just as a garment is washed.” (*Ṣaḥīḥ*)

قَالَ أَبُو عِيسَى: وَسَمِعْتُ مُحَمَّدًا يَقُولُ: أَصَحُّ الرِّوَايَاتِ فِي هَذَا حَدِيثٍ يَحْيَى بْنُ أَبِي كَثِيرٍ عَنْ أَبِي إِبْرَاهِيمَ الْأَشْهَلِيِّ، عَنْ أَبِيهِ. قَالَ: وَسَأَلْتُهُ عَنْ اسْمِ أَبِي إِبْرَاهِيمَ الْأَشْهَلِيِّ فَلَمْ يَعْرِفْهُ.

١٠٢٥ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا مُعَاوِيَةُ بْنُ صَالِحٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ جُبَيْرٍ بْنِ نُفَيْرٍ، عَنْ أَبِيهِ، عَنْ عَوْفِ بْنِ مَالِكٍ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يُصَلِّي عَلَى مَيِّتٍ فَقَمِهَتْ مِنْ صَلَاتِهِ عَلَيْهِ: «اللَّهُمَّ اغْفِرْ لَهُ وَارْحَمْهُ وَاغْسِلْهُ بِالْبَرَدِ [وَاغْسِلْهُ] كَمَا يُغْسَلُ الثَّوْبُ».

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. Muḥammad bin Ismā'il said: "This *Ḥadīth* is the most correct thing on this topic."

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. قَالَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ: أَصَحُّ شَيْءٍ فِي هَذَا الْبَابِ هَذَا الْحَدِيثُ.

تخريج: وأخرجه مسلم، الجنائز، باب الدعاء للميت في الصلاة، ح: ٩٦٣ من حديث ابن

مهدي به.

Comments:

There are various supplications and invocations for the funeral prayer which the Prophet ﷺ recited. Sometimes he recited these invocations loudly, and his Companions have preserved them, learning them by heart. Maybe the Prophet ﷺ did it for that reason, and the Companions preserved these supplications, because the main purpose of the funeral prayer is to ask Allāh's Blessings for the deceased.

Chapter 39. What Has Been Related About The Recitation Of *Fātiḥatil-Kitāb* For The Funeral (Prayer)

1026. Ibn 'Abbās narrated: "The Prophet ﷺ recited *Fātiḥatil-Kitāb* for a funeral (prayer)." (*Da'if Jiddan*)

There is something on this topic from Umm Sharik.

Abū 'Eisā said: The chain for the *Ḥadīth* of Ibn 'Abbās is not that strong. Ibrāhīm bin 'Uthmān is Abū Shaibah Al-Wāsiṭī who is *Munkar* in *Ḥadīth*. What is *Ṣaḥīḥ* is that Ibn 'Abbās said: "The recitation of *Fātiḥatil-Kitāb* for the funeral (prayer) is from the *Sunnah*."

(المعجم ٣٩) - بَابُ مَا جَاءَ فِي الْقِرَاءَةِ عَلَى الْجَنَازَةِ بِفَاتِحَةِ الْكِتَابِ (التحفة ٣٩)

١٠٢٦ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ عُثْمَانَ عَنِ الْحَكَمِ، عَنْ مِقْسَمٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ قَرَأَ عَلَى الْجَنَازَةِ بِفَاتِحَةِ الْكِتَابِ. وَفِي الْبَابِ عَنْ أُمِّ شَرِيكٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ لَيْسَ إِسْنَادُهُ بِذَلِكَ الْقَوِيِّ. إِبْرَاهِيمُ بْنُ عُثْمَانَ هُوَ أَبُو شَيْبَةَ الْوَاسِطِيُّ مُنْكَرُ الْحَدِيثِ. وَالصَّحِيحُ عَنِ ابْنِ عَبَّاسٍ قَوْلُهُ: مِنَ السُّنَّةِ الْقِرَاءَةُ عَلَى الْجَنَازَةِ بِفَاتِحَةِ الْكِتَابِ.

تخريج: [إسناده ضعيف جداً] وأخرجه ابن ماجه، الجنائز، باب ماجاء في القراءة على الجنابة، ح: ١٤٩٥ عن أحمد بن منيع به * إبراهيم بن عثمان كذبه شعبة كما في عمدة القاري وغيره، والحديث الآتي يغني عنه.

1027. Ṭalḥah bin 'Abdullāh bin 'Awf narrated: "Ibn 'Abbās performed *Ṣalāt* for a funeral and he recited

١٠٢٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا سُفْيَانُ عَنْ

Fātiḥatil-Kitāb. So I asked him about it and he said: 'It is from the *Sunnah*' or, 'From the completeness of the *Sunnah*.'" (*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Ḥadīth* is *Ḥaṣan Ṣaḥīḥ*. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They preferred to recite *Fātiḥatil-Kitāb* after the first *Takbīr*. This is the view of *Ash-Shāfi'ī*, *Aḥmad* and *Ishāq*.

Some of the people of knowledge said that there is no recitation during the *Ṣalāt* for the funeral, it only consist of praising Allāh, sending *Ṣalāt* upon the Prophet ﷺ, and supplications for the deceased. This is the view of *Sufyān Ath-Thawrī* and others among the people of *Al-Kūfah*. (*Talḥah bin 'Abdullāh bin 'Awf* is the son of the brother of 'Abdur-Raḥmān bin 'Awf and *Az-Zuhri* reports from him.)

تخريج: وأخرجه البخاري، الجنائز، باب قراءة فاتحة الكتاب على الجنازة، ح: ١٣٣٥ من حديث سفيان الثوري به.

Comments:

It is proven from various narrations, that in a funeral prayer, after the first *Takbīr* *Surat Al-Fātiḥah* and some other part of the Noble Qur'an is recited but it is not clear from any narration whether supplications of praise are recited or not.

Chapter 40. How To Perform *Ṣalāt* For The Deceased, And Interceding For Him

1028. *Marḥad bin 'Abdullāh Al-Yazani* narrated: "When *Mālik bin Hubairah* performed *Ṣalāt* for a funeral and the people were few he would divide them into three

سَعْدِ بْنِ إِبْرَاهِيمَ، عَنْ طَلْحَةَ بْنِ عَبْدِ اللَّهِ بْنِ عَوْفٍ أَنَّ ابْنَ عَبَّاسٍ صَلَّى عَلَى جَنَازَةٍ فَقَرَأَ بِفَاتِحَةِ الْكِتَابِ فَقُلْتُ لَهُ فَقَالَ: إِنَّهُ مِنَ الشُّنَّةِ أَوْ مِنْ تَمَامِ الشُّنَّةِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ يَخْتَارُونَ أَنْ يقرأَ بِفَاتِحَةِ الْكِتَابِ بَعْدَ التَّكْبِيرَةِ الْأُولَى. وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: لَا يقرأُ فِي الصَّلَاةِ عَلَى الْجَنَازَةِ، إِنَّمَا هُوَ ثَنَاءٌ عَلَى اللَّهِ وَالصَّلَاةُ عَلَى نَبِيِّهِ ﷺ وَالِدُعَاءُ لِلْمَيِّتِ، وَهُوَ قَوْلُ الثَّوْرِيِّ وَغَيْرِهِ مِنْ أَهْلِ الْكُوفَةِ. [وطلح بن عبد الله بن عوف هو ابن أخي عبد الرحمن بن عوف روى عنه الزهري].

(المعجم ٤٠) - بَابُ: كَيْفَ الصَّلَاةُ عَلَى الْمَيِّتِ وَالشَّفَاعَةُ لَهُ (التحفة ٤٠)

١٠٢٨ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ وَيُونُسُ بْنُ بُكَيْرٍ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ

groups (rows) then say: ‘The Messenger of Allāh ﷺ said: “For whomever three rows perform *Ṣalāt*, then it is granted.”^[1] (*Daʿīf*)

(He said:) There are narrations on this topic from ‘Āishah, Umm Ḥabībah, Abū Hurairah, and Maimūnah the wife of the Prophet ﷺ.

Abū ‘Eīsā said: The *Ḥadīth* of Mālik bin Hubairah is a *Hasan Ḥadīth*. This is how it was narrated by others from Muḥammad bin Ishāq. Ibrāhīm bin Sa’d reported this *Ḥadīth* from Muḥammad bin Ishāq, but he added a man between Marthad and Mālik bin Hubairah. But the narration of these people is more correct to us.

مَرْثَدُ بْنُ عَبْدِ اللَّهِ الْيَزَنِيُّ قَالَ: كَانَ مَالِكُ بْنُ هُبَيْرَةَ إِذَا صَلَّى عَلَى جَنَازَةٍ فَقَالَ النَّاسُ عَلَيْهَا جَزَاءُهُمْ ثَلَاثَةٌ أَجْزَاءٍ ثُمَّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ صَلَّى عَلَيْهِ ثَلَاثَةٌ صُفُوفٍ فَقَدْ أَوْجَبَ».

[قَالَ:] وفي الباب عن عائشة وأم حبيبة وأبي هريرة وميمونة زوج النبي ﷺ. قَالَ أَبُو عِيسَى: حَدِيثُ مَالِكِ بْنِ هُبَيْرَةَ حَدِيثٌ حَسَنٌ. هَكَذَا رَوَاهُ غَيْرُ وَاحِدٍ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ. وَرَوَى إِبْرَاهِيمُ بْنُ سَعْدٍ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ هَذَا الْحَدِيثَ وَأَدْخَلَ بَيْنَ مَرْثَدٍ وَمَالِكِ بْنِ هُبَيْرَةَ رَجُلًا. وَرَوَاهُ هُؤُلَاءِ أَصَحُّ عِنْدَنَا.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الجنائز، باب: في الصف على الجنائز، ح: ٣١٦٦ وابن ماجه، ح: ١٤٩٠ من حديث محمد بن إسحاق بن يسار به ولم يصرح بالسماع هاهنا وفيه علة أخرى قاذحة ومع ذلك صححه الحاكم: ٣٦٢/١ والذهبي حسنه النووي * وفي الباب عن عائشة [يأتي: ١٠٢٩] وأم حبيبة [لم أجده] وأبي هريرة [ابن ماجه، ح: ١٤٨٨] وميمونة زوج النبي ﷺ [النسائي، ح: ١٩٩٥].

1029. ‘Āishah narrated that the Prophet ﷺ said: “No one among the Muslims dies, and *Ṣalāt* is performed for him by a community of Muslims reaching one hundred, and they intercede (supplicate) for him, except that their intercession for him is accepted.” In his narration, ‘Alī bin Hujr said: “One hundred or more than that.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: The *Ḥadīth* of ‘Āishah is a *Hasan Ṣaḥīḥ Ḥadīth*.

١٠٢٩ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ عَنْ أَيُّوبَ: وَحَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ وَعَلِيُّ بْنُ حُجْرٍ قَالَا: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ إِبْرَاهِيمَ عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ - رَضِيَ عَنْهُ - كَانَ لِعَائِشَةَ - عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَمُوتُ أَحَدٌ مِنَ الْمُسْلِمِينَ فَيُصَلِّيَ عَلَيْهِ أُمَّةٌ مِنَ الْمُسْلِمِينَ يَلُغُوا أَنْ يَكُونُوا مِائَةً فَيُشْفَعُوا لَهُ إِلَّا شُفِعُوا

[1] “Then Paradise is granted to him” in the narration recorded by Abū Dāwūd, see no. 1059 as well.

Some have narrated it in *Mawqūf* rather than *Marfū* form.

فِيهِ». وَقَالَ عَلِيُّ بْنُ حُجْرٍ فِي حَدِيثِهِ: مِائَةٌ فَمَا فَوْقَهَا.

قَالَ أَبُو عِيسَى: حَدِيثُ عَائِشَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ أَوْفَقَهُ بَعْضُهُمْ وَلَمْ يَرْفَعْهُ.

تخریج: وأخرجه مسلم، الجنائز، باب من صلى عليه مائة، ح: ٩٤٧ من حديث أبيه السخنياني به.

Comments:

In the light of various narrations, it is proven that if in the funeral prayer of a Muslim, the number of participants exceeds one hundred, or forty, or there are more than three rows, and they pray to Allāh ﷻ sincerely, Allāh ﷻ forgives the deceased.

Chapter 41. What Has Been Related About It Being Disliked To Pray The Funeral *Ṣalāt* While The Sun Is Rising And While It Is Setting

(المعجم ٤١) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ الصَّلَاةِ عَلَى الْجَنَازَةِ عِنْدَ طُلُوعِ الشَّمْسِ وَعِنْدَ غُرُوبِهَا (التحفة ٤١)

1030. ‘Uqbah bin ‘Āmir Al-Juhnī narrated: “There are three times that the Messenger of Allāh ﷺ prohibited us from performing *Ṣalāt* in, or burying our dead in: When the sun’s rising appears until it has risen up; when the sun is at the zenith until it passes, and when the sun begins its setting, until it has set.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others; they dislike performing *Ṣalāt* for the funeral during these times. Ibn Al-Mubārak said: The meaning of this *Ḥadīth*: ‘burying our dead in’ is *Ṣalāt* for the funeral. And it is disliked to perform *Ṣalāt* for the

١٠٣٠ - حَدَّثَنَا هَذَا: حَدَّثَنَا وَكِيعٌ عَنْ مُوسَى بْنِ عَلِيٍّ بْنِ رَبَاحٍ، عَنْ أَبِيهِ، عَنْ عُقْبَةَ ابْنِ عَامِرٍ الْجُهَنِيِّ قَالَ: ثَلَاثُ سَاعَاتٍ كَانَ رَسُولُ اللَّهِ ﷺ يَنْهَانَا أَنْ نَصَلِّيَ فِيهِنَّ أَوْ نَقْبُرَ فِيهِنَّ مَوْتَانَا: حِينَ تَطْلُعُ الشَّمْسُ بَارِعَةً حَتَّى تَرْتَفِعَ، وَحِينَ يَقُومُ قَائِمُ الطَّهِيرَةِ، حَتَّى تَمِيلَ، وَحِينَ تَضَيَّفُ [الشَّمْسُ] لِلْغُرُوبِ حَتَّى تَغْرُبَ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ يَكْرَهُونَ الصَّلَاةَ عَلَى الْجَنَازَةِ فِي هَذِهِ السَّاعَاتِ. وَقَالَ ابْنُ الْمُبَارَكِ: مَعْنَى هَذَا الْحَدِيثِ أَنْ نَقْبُرَ فِيهِنَّ مَوْتَانَا يَعْنِي الصَّلَاةَ

funeral when the sun is rising and when it is setting, and at the middle of the daytime until the sun passes the meridian. This is the saying of Ahmad and Ishāq. Ash-Shāfi'i said: "There is no harm in performing *Ṣalāt* for the funeral during the times in which it is disliked to perform *Ṣalāt*."

عَلَى الْجَنَازَةِ وَكَرِهَ الصَّلَاةَ عَلَى الْجَنَازَةِ عِنْدَ طُلُوعِ الشَّمْسِ وَعِنْدَ غُرُوبِهَا وَإِذَا انْتَصَفَ النَّهَارُ حَتَّى تَزُولَ الشَّمْسُ. وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ قَالَ الشَّافِعِيُّ: لَا بَأْسَ أَنْ يُصَلَّى عَلَى الْجَنَازَةِ فِي السَّاعَاتِ الَّتِي تَكْرَهُ فِيهَا الصَّلَاةُ.

تخريج: وأخرجه مسلم، صلاة المسافرين، باب الأوقات التي نهى عن الصلاة فيها، ح: ٨٣١ من حديث موسى بن علي به.

Comments:

Imām Abū Hanīfah, Imām Mālik and Imām Awzā'i, and most of the scholars agree that the three times mentioned in the narration are not proper times for the funeral prayer.

Chapter 42. What Has Been Related About *Ṣalāt* For (The Funerals Of) Children

(المعجم ٤٢) - بَابُ [مَا جَاءَ] فِي الصَّلَاةِ عَلَى الْأَطْفَالِ (التحفة ٤٢)

1031. Al-Mughīrah bin Shu'bah narrated that the Prophet ﷺ said: "The rider is to be behind the funeral (procession), and the walker where he wishes, and the child should be prayed over." (*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. Isrā'il and others reported it from Sa'eed bin 'Ubaidullāh. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They said that the child is prayed for (i.e., funeral prayers) even if it has not fully developed, once it is known that it has formed. This is the view of Ahmad and Ishāq.

١٠٣١ - حَدَّثَنَا بِشْرُ بْنُ أَدَمَ ابْنُ بَنِي أَزْهَرَ السَّمَّانِ [البَصْرِيُّ]: حَدَّثَنَا إِسْمَاعِيلُ بْنُ سَعِيدِ بْنِ عُبَيْدِ اللَّهِ: حَدَّثَنَا أَبِي عَنْ زِيَادِ بْنِ جُبَيْرِ بْنِ حَيَّةَ، عَنْ أَبِيهِ، عَنِ الْمُغِيرَةِ بْنِ شُعْبَةَ: أَنَّ النَّبِيَّ ﷺ قَالَ: «الرَّاكِبُ خَلْفَ الْجَنَازَةِ، وَالْمَاشِي حَيْثُ شَاءَ مِنْهَا، وَالطِّفْلُ يُصَلَّى عَلَيْهِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَرَوَى إِسْرَائِيلُ وَغَيْرُ وَاحِدٍ عَنْ سَعِيدِ ابْنِ عُبَيْدِ اللَّهِ وَالْعَمَلُ عَلَيْهِ عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ قَالُوا: يُصَلَّى عَلَى الطِّفْلِ وَإِنْ لَمْ يَسْتَهْلْ بَعْدَ أَنْ يُعْلَمَ أَنَّهُ خُلِقَ. وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ.

تخريج: [إسناده صحيح] وأخرجه ابن ماجه، الجنائز، باب ماجاء في الصلاة على الطفل،

ح: ١٥٠٧ والنسائي: ٥٦/٤، ح: ١٩٤٥ من حديث سعيد بن عبيد الله به وصححه ابن حبان (الإحسان): ٣٠٣٨ والحاكم: ٣٥٥/١ وغيرهما.

Comments:

If a child is born and its cry is heard, or by any means it is proven that the child was alive at the time of birth, it is agreed upon, that the child will be given a bath and a funeral prayer will be performed for it before burial. If a baby is miscarried after four months of pregnancy, and parts of its body are already formed, then, according to Imām Aḥmad, Sa'eed bin Musayyab, Ibn Sirīn and Ishāq, the child will be given a bath and a funeral prayer will be performed for it before burial.

Chapter 43. What Has Been Related About Not Performing The *Ṣalāt* For The Child Until One Is Sure He Was Alive At Birth

(المعجم ٤٣) - بَابُ مَا جَاءَ فِي تَرْكِ الصَّلَاةِ عَلَى الطِّفْلِ حَتَّى يَسْتَهْلَ

(التحفة ٤٣)

1032. Jābir narrated that the Prophet ﷺ said: "The child is not prayed over, nor does he inherit, nor is he inherited from until one is sure he was alive at birth." (*Daʿif*)

Abū 'Eīsā said: The people are confused in the case of this *Ḥadīth*. Some of them reported it from Abū Az-Zubair, from Jābir, from the Prophet ﷺ in *Marfū'* form. Ash'ath bin Sawwār and others, reported it from Abū Az-Zubair, from Jābir in *Mawqūf* form. (Muḥammad bin Ishāq reported it from 'Aṭā' bin Abī Rabāḥ, from Jābir in *Mawqūf* form.) It is as if this is more correct than the *Marfū'* narration. Some of the people of knowledge followed this, they said that the child is not prayed over until one is sure he was alive at birth. This is the view of (Sufyān) Ath-Thawrī and Ash-Shāfi'i.

١٠٣٢ - حَدَّثَنَا أَبُو عَمَارٍ الْحُسَيْنِيُّ بْنُ حَرْبٍ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ [الوَاسِطِيُّ] عَنْ إِسْمَاعِيلَ بْنِ مُسْلِمٍ [الْمَكِّيِّ]، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ قَالَ: «الطِّفْلُ لَا يُصَلَّى عَلَيْهِ وَلَا يَرِثُ وَلَا يُورَثُ حَتَّى يَسْتَهْلَ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ قَدْ اضْطَرَبَ النَّاسُ فِيهِ، فَرَوَاهُ بَعْضُهُمْ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ مَوْقُوعًا. وَرَوَى أَشْعَثُ بْنُ سَوَّارٍ وَغَيْرُ وَاحِدٍ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ مَوْقُوعًا. [وَرَوَى مُحَمَّدُ بْنُ إِسْحَاقَ عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ، عَنْ جَابِرٍ مَوْقُوعًا] وَكَأَنَّ هَذَا أَصَحُّ مِنَ الْحَدِيثِ الْمَرْفُوعِ. وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ إِلَى هَذَا. قَالُوا: لَا يُصَلَّى عَلَى الطِّفْلِ حَتَّى يَسْتَهْلَ. وَهُوَ قَوْلُ [سُفْيَانَ] الثَّوْرِيِّ وَالشَّافِعِيِّ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، الجنائز، باب ماجاء في الصلاة على الطفل، ح: ١٥٠٨، ٢٧٥٠ من حديث أبي الزبير به وعنن وللحديث شواهد ضعيفة عند ابن حبان، ح: ١٢٢٣ والحاكم: ٣٤٨/٤، ٣٤٩ وغيرهما.

Chapter 44. What Has Been Related About *Ṣalāt* For The Deceased In The *Masjid*

1033. ‘Āishah narrated: “The Messenger of Allāh ﷺ performed *Ṣalāt* over Suhail bin Al-Baidā’ in the *Masjid*.” (*Sahīh*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan*. This is acted upon according to some of the people of knowledge. Ash-Shāfi‘ī said: “Mālik said that the funeral prayer is not performed over the deceased in the *Masjid*.” Ash-Shāfi‘ī said: “The deceased is prayed over in the *Masjid*.” And he argued using this *Ḥadīth*.

(المعجم ٤٤) - بَابُ مَا جَاءَ فِي الصَّلَاةِ عَلَى الْمَيِّتِ فِي الْمَسْجِدِ (التحفة ٤٤)

١٠٣٣ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ عَبْدِ الْوَاحِدِ بْنِ حَمْرَةَ، عَنْ عَبَّادِ بْنِ عَبْدِ اللَّهِ بْنِ الرُّبَيْرِ، عَنْ عَائِشَةَ قَالَتْ: صَلَّى رَسُولُ اللَّهِ ﷺ عَلَى سُهَيْلِ ابْنِ الْبَيْضَاءِ فِي الْمَسْجِدِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ. قَالَ الشَّافِعِيُّ: قَالَ مَالِكٌ لَا يُصَلَّى عَلَى الْمَيِّتِ فِي الْمَسْجِدِ. وَقَالَ الشَّافِعِيُّ: يُصَلَّى عَلَى الْمَيِّتِ فِي الْمَسْجِدِ. وَاجْتَنَحَ بِهَذَا الْحَدِيثُ.

تخريج: وأخرجه مسلم، الجنائز، باب الصلاة على الجنازة في المسجد، ح: ٩٧٣ عن علي ابن حجر به.

Comments:

According to Imām Ash-Shāfi‘ī, Imām Aḥmad and Ishāq, performing the funeral prayer in the mosque is lawful and approved because ‘Umar performed the funeral prayer for Abū Bakr in the mosque and Suhaib too performed ‘Umar’s funeral prayer in the mosque. (*Al-Tuhfat Al-Aḥwadhī* v.2, p. 146.)

Chapter 45. What Has Been Related About Where The Imām Is To Stand For The Man And For The Woman

1034. Abū Ghālib narrated: “I prayed for the funeral of a man with Anas bin Mālik, so he stood parallel to his head. Then they came with the body of a woman from the Quraish. They said: ‘O Abū Ḥamzah perform the prayer for her.’ So he stood parallel to her waist. Al-‘Alā’ bin Ziyād said to

(المعجم ٤٥) - بَابُ مَا جَاءَ أَينَ يَقُومُ الْإِمَامُ مِنَ الرَّجُلِ وَالْمَرْأَةِ؟ (التحفة ٤٥)

١٠٣٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُثَنِّرٍ عَنْ سَعِيدِ بْنِ عَامِرٍ، عَنْ هَمَامٍ، عَنْ أَبِي غَالِبٍ قَالَ: صَلَّيْتُ مَعَ أَنَسِ بْنِ مَالِكٍ عَلَى جَنَازَةِ رَجُلٍ فَقَامَ حِيَالَ رَأْسِهِ، ثُمَّ جَاؤُوا بِجَنَازَةِ امْرَأَةٍ مِنْ قُرَيْشٍ، فَقَالُوا: يَا أَبَا حَمْزَةَ صَلِّ عَلَيْهَا. فَقَامَ حِيَالِ وَسْطِ السَّرِيرِ، فَقَالَ لَهُ

him: 'Is this how you saw the Messenger of Allāh standing in the place for the funeral as you did for her, and for place that you stood for the man?' He said: 'Yes.' When he was finished he said: 'Remember (this).'" (*Hasan*)

There is something about this topic from Samurah.

Abū 'Eisā said: This *Hadīth* of Anas is a *Hasan Hadīth*. Others have reported it similarly from Hammām. Wakī' reported this *Hadīth* from Hammām but he made a mistake in it, he said: "from Ghālib, from Anas" and what is correct is "from Abū Ghālib." 'Abdul-Wārith bin Sa'eed, and others, reported this *Hadīth* from Abū Ghālib the same as Hammām did. They disagree over the name of this Abū Ghālib. Some of them said his name is Nāfi' and they also say it was Rāfi'. Some of the people of knowledge followed this, and it is the view of Aḥmad and Ishāq.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، الجنائز، باب ماجاء في أين يقوم الإمام إذا صلى على الجنائز، ح: ١٤٩٤ من حديث سعيد بن عامر به * وفي الباب عن سمرة [يأتي: ١٠٣٥].

1035. Samurah bin Jundab narrated: "The Prophet ﷺ prayed over a woman, so he stood at her middle." (*Ṣaḥīḥ*)

Abū 'Eisā said: This *Hadīth* is *Hasan Ṣaḥīḥ*. Shu'bah reported it from Al-Husain Al-Mu'allim.

العلاء بن زياد: هَكَذَا رَأَيْتَ رَسُولَ اللَّهِ ﷺ قَامَ عَلَى الْجَنَازَةِ مَقَامَكَ مِنْهَا وَمِنْ الرَّجُلِ مَقَامَكَ مِنْهُ؟ قَالَ: نَعَمْ، فَلَمَّا فَرَغَ قَالَ: احْفَظُوا.

وفي الباب عَنْ سَمُرَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ أَنَسٍ [هَذَا] حَدِيثٌ حَسَنٌ. وَقَدْ رَوَى غَيْرُ وَاجِدٍ عَنْ هَمَّامٍ مِثْلَ هَذَا. وَرَوَى وَكِيعٌ هَذَا الْحَدِيثَ عَنْ هَمَّامٍ فَوَهَمَ فِيهِ فَقَالَ عَنْ غَالِبٍ، عَنْ أَنَسٍ وَالصَّحِيحُ عَنْ أَبِي غَالِبٍ. وَقَدْ رَوَى هَذَا الْحَدِيثَ عَبْدُ الْوَارِثِ بْنُ سَعِيدٍ وَغَيْرُ وَاجِدٍ عَنْ أَبِي غَالِبٍ مِثْلَ رِوَايَةِ هَمَّامٍ. وَاخْتَلَفُوا فِي اسْمِ أَبِي غَالِبٍ هَذَا فَقَالَ بَعْضُهُمْ: يُقَالُ اسْمُهُ نَافِعٌ وَيُقَالُ رَافِعٌ. وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ إِلَى هَذَا. وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ.

١٠٣٥ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: أَخْبَرَنَا [عَبْدُ اللَّهِ] بْنُ الْمُبَارَكِ وَالْفَضْلُ بْنُ مُوسَى عَنِ الْحُسَيْنِ الْمُعَلِّمِ، عَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عَنْ سَمُرَةَ بْنِ جُنْدَبٍ أَنَّ النَّبِيَّ ﷺ صَلَّى عَلَى امْرَأَةٍ فَقَامَ وَسَطَهَا.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رَوَاهُ شُعْبَةُ عَنِ الْحُسَيْنِ الْمُعَلِّمِ.

تخریج: متفق عليه، وأخرجه مسلم، الجنائز، باب: أين يقوم الإمام من الميت للصلاة عليه، ح: ٩٦٤ عن علي بن حجر والبخاري، الجنائز، باب: أين يقوم من المرأة والرجل؟ ح: ١٣٣٢ من حديث حسين المعلم به.

Comments:

According to this narration, the *Imām* while performing the funeral prayer on a male will stand parallel to the head of the deceased and in case of a female he will stand in the middle.

Chapter 46. What Has Been Related About Not Performing The (Funeral) *Ṣalāt* For The Martyr

1036. ‘Abdur-Raḥmān bin Ka‘b bin Mālik narrated that Jābir bin ‘Abdullāh informed him that the Prophet ﷺ had put two men together in one cloth from those who were killed at (the battle of) Uhūd, then he said: “Which of them memorized the more of the Qur’ān?” When one of them was indicated to him, he put him in the *Laḥd* (first) and said: “I am a witness for these people on the Day of Judgement.” And he ordered that they be buried in their blood, and that they not be prayed over, nor washed. (*Ṣaḥīḥ*)

There is something on this topic from Anas bin Mālik.

Abū ‘Eisā said: The *Ḥadīth* of Jābir is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

This *Ḥadīth* has been reported from Az-Zuhri, from ‘Abdullāh bin Tha‘labah bin Abi Ṣughair, from the Prophet ﷺ. Some of (the narrators) mentioned that it was from Jābir.

The people of knowledge differed over *Ṣalāt* for the martyr. Some of them said the martyr is not prayed over, and this is the saying of the

(المعجم ٤٦) - بَابُ مَا جَاءَ فِي تَرْكِ
الصَّلَاةِ عَلَى الشَّهِيدِ (التحفة ٤٦)

١٠٣٦ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا
اللِّثْبِيُّ عَنْ ابْنِ شِهَابٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ
كَعْبٍ بْنِ مَالِكٍ أَنَّ جَابِرَ بْنَ عَبْدِ اللَّهِ أَخْبَرَهُ
أَنَّ النَّبِيَّ ﷺ كَانَ يَجْمَعُ بَيْنَ الرَّجُلَيْنِ مِنْ
قَتَلَى أَحَدٍ فِي الثُّوبِ الْوَاحِدِ ثُمَّ يَقُولُ:
«أَيُّهُمَا أَكْثَرُ حِفْظًا لِلْقُرْآنِ؟» فَإِذَا أُشِيرَ لَهُ إِلَى
أَحَدِهِمَا قَدَّمَهُ فِي اللَّحْدِ، وَقَالَ: «أَنَا شَهِيدٌ
عَلَى هَؤُلَاءِ يَوْمَ الْقِيَامَةِ» وَأَمَرَ بِدَفْنِهِمْ فِي
دِمَائِهِمْ، وَلَمْ يُصَلَّ عَلَيْهِمْ، وَلَمْ يُعْسَلُوا.
وَفِي الْبَابِ عَنْ أَنَسِ بْنِ مَالِكٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ جَابِرٍ حَدِيثٌ
حَسَنٌ صَحِيحٌ. وَقَدْ رَوَى هَذَا الْحَدِيثَ عَنْ
الزُّهْرِيِّ، عَنْ أَنَسِ بْنِ النَّبِيِّ ﷺ. وَرَوَى
عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ ثَعْلَبَةَ بْنِ أَبِي
صُعَيْرٍ عَنِ النَّبِيِّ ﷺ وَمِنْهُمْ مَنْ ذَكَرَهُ عَنْ
جَابِرٍ. وَقَدْ اخْتَلَفَ أَهْلُ الْعِلْمِ فِي الصَّلَاةِ
عَلَى الشَّهِيدِ فَقَالَ بَعْضُهُمْ: لَا يُصَلَّى عَلَى
الشَّهِيدِ وَهُوَ قَوْلُ أَهْلِ الْمَدِينَةِ، وَبِهِ يَقُولُ
الشَّافِعِيُّ وَأَحْمَدُ.

people of Al-Madīnah, and it is also the saying of Ash-Shāfi'ī and Ahmad.

Some of them said that the martyr is prayed over, and for proof, they used the *Hadīth* of the Prophet ﷺ that he prayed over Ḥamzah. This is the view of Ath-Thawrī and the people of Al-Kūfah, and it is the view of Ishāq.

تخریج: وأخرجه البخاري، الجنائز، باب دفن الرجلين والثلاثة في قبر، ح: ١٣٤٣، ١٣٤٥ من حديث الليث بن سعد به * وفي الباب عن أنس بن مالك [تقدم: ١٠١٦].

Chapter 47. What Has Been Related About (Performing) The (Funeral) *Ṣalāt* At The Grave

(المعجم ٤٧) - بَابُ مَا جَاءَ فِي الصَّلَاةِ عَلَى الْقَبْرِ (التحفة ٤٧)

1037. Ash-Shaibānī narrated that Ash-Sha'bī said: "I was informed by one who saw the Prophet ﷺ: He (ﷺ) saw a solitary grave, so he lined his Companions (behind him) to pray over it." It was said to him (Ash-Sha'bī): "Who informed you?" He said: "Ibn 'Abbās." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Anas, Buraidah, Yazīd bin Thābit, Abū Hurairah, 'Āmir bin Rabī'ah, Abū Qatādah, and Suhail bin Ḥunaif.

Abū 'Eīsā said: The *Hadīth* of Ibn 'Abbās is a *Hasan Ṣaḥīḥ Hadīth*. This is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others. It is the saying of Ash-Shāfi'ī, Ahmad, and Ishāq. Some of the people of knowledge say that *Ṣalāt* is not to be performed over the grave. This

وَقَالَ بَعْضُهُمْ: يُصَلَّى عَلَى الشَّهِيدِ، وَاجْتَنَبُوا بِحَدِيثِ النَّبِيِّ ﷺ أَنَّهُ صَلَّى عَلَى حَمَزَةَ وَهُوَ قَوْلُ الثَّوْرِيِّ وَأَهْلِ الْكُوفَةِ. وَبِهِ يَقُولُ إِسْحَاقُ.

١٠٣٧ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِعٍ: حَدَّثَنَا هُثَيْمٌ: أَخْبَرَنَا الشَّيْبَانِيُّ: حَدَّثَنَا الشَّعْبِيُّ قَالَ: أَخْبَرَنِي مَنْ رَأَى النَّبِيَّ ﷺ وَرَأَى قَبْرًا مُتَشَدِّدًا فَصَفَّ أَصْحَابَهُ [خَلْفَهُ] فَصَلَّى عَلَيْهِ فَقِيلَ لَهُ: مَنْ أَخْبَرَكَ؟ فَقَالَ: ابْنُ عَبَّاسٍ.

[قَالَ:] وَفِي الْبَابِ عَنْ أَنَسٍ وَبُرَيْدَةَ وَيَزِيدَ بْنِ ثَابِتٍ وَأَبِي هُرَيْرَةَ وَعَامِرِ بْنِ رَبِيعَةَ وَأَبِي قَتَادَةَ وَسُهَيْلِ بْنِ حُنَيْفٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: لَا يُصَلَّى عَلَى الْقَبْرِ، وَهُوَ قَوْلُ مَالِكِ بْنِ أَنَسٍ. وَقَالَ [عَبْدُ اللَّهِ] بْنُ الْمُبَارَكِ: إِذَا دُفِنَ الْمَيِّتُ وَلَمْ يُصَلَّ عَلَيْهِ

is the view of Mālik bin Anas. (‘Abdullāh) Ibn Al-Mubārak said: “When the deceased is buried and *Ṣalāt* has not been performed for him, then the *Ṣalāt* is performed at the grave.” So Ibn Al-Mubārak held the view that the *Ṣalāt* could be held at the grave.

Aḥmad and Ishāq said that the *Ṣalāt* may be held at the grave for up to a month. They said: “The most that we have heard about it is (what is reported) from Ibn Al-Musayyab, that the Prophet ﷺ prayed at the grave of Umm Sa’d bin ‘Ubādah after a month.”

صَلَّى عَلَى الْقَبْرِ. وَرَأَى ابْنُ الْمُبَارَكِ الصَّلَاةَ عَلَى الْقَبْرِ. وَقَالَ أَحْمَدُ وَإِسْحَاقُ: يُصَلَّى عَلَى الْقَبْرِ إِلَى شَهْرٍ، وَقَالَا: أَكْثَرُ مَا سَمِعْنَا عَنْ ابْنِ الْمُسَيَّبِ أَنَّ النَّبِيَّ ﷺ صَلَّى عَلَى قَبْرِ أُمِّ سَعْدِ بْنِ عُبَادَةَ بَعْدَ شَهْرٍ.

تخريج: متفق عليه، وأخرجه مسلم، الجنائز، باب الصلاة على القبر، ح: ٩٥٤ من حديث هشيم والبخاري، ح: ١٣٣٦ من حديث سليمان الشيباني به * وفي الباب عن أنس [مسلم، ح: ٩٥٥] وبريدة [ابن ماجه، ح: ١٥٣٢] ويزيد بن ثابت [ابن ماجه، ح: ١٥٢٨] وأبي هريرة [البخاري، ح: ٤٥٨، ١٣٣٧] ومسلم، ح: ٩٥٦] وعامر بن ربيعة [ابن ماجه، ح: ١٥٢٩] وأبي قتادة [البيهقي: ٤٩/٤] وسهل بن حنيف [ابن أبي شيبة: ٣/٣٦١ نسخة قديمة].

1038. Sa‘eed bin Musayyab narrated: “Umm Sa’d died while the Prophet ﷺ was absent. So when he arrived he performed *Ṣalāt* over her, and a month had already passed.” (Ḍa‘īf)

١٠٣٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ أَنَّ أُمَّ سَعْدٍ مَاتَتْ وَالنَّبِيُّ ﷺ غَائِبٌ فَلَمَّا قَدِمَ صَلَّى عَلَيْهَا وَقَدْ مَضَى لَذَلِكَ شَهْرٌ.

تخريج: [إسناده ضعيف] وأخرجه ابن أبي شيبة: ٣/٣٦٠، ح: ١١٩٣٤ والبيهقي: ٤٨/٤ من حديث قتادة به وقَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ أَنَّ أُمَّ سَعْدٍ مَاتَتْ وَالنَّبِيُّ ﷺ غَائِبٌ فَلَمَّا قَدِمَ صَلَّى عَلَيْهَا وَقَدْ مَضَى لَذَلِكَ شَهْرٌ.

Comments:

If a deceased is buried before the performance of the funeral prayer or if there are some people who missed the funeral prayer, it is allowed to perform the funeral prayer on the grave, but the *Imām* for the funeral prayer should be a person who has not performed the funeral prayer before for the deceased. This issue is clear and proved from various *Ṣaḥīḥ* narrations. (See for explanation *Aḥkām Al-Janā'iz* p.112-115.)

Chapter 48. What Has Been Related About The Prophet ﷺ Performing *Ṣalāt* For (The Death Of) An-Najāshī

1039. ‘Imrān bin Ḥuṣain narrated that the Prophet ﷺ said: “Indeed your brother An-Najāshī has died. So stand to perform *Ṣalāt* for him.” He (‘Imrān) said: “We stood and lined up just as the deceased is lined up for, and we prayed for him just as the deceased is prayed for.” (*Ṣaḥīḥ*)

There are narrations on this topic from Abū Hurairah, Jābir bin ‘Abdullāh, Abū Sa‘eed, Ḥudhaifah bin Asīd, and Jarīr bin ‘Abdullāh.

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ Gharīb* from this route. Abū Qilābah has reported it from his uncle Abū Al-Muḥallab, from ‘Imrān bin Ḥuṣain. Abū Al-Muḥallab’s name is ‘Abdur-Raḥmān bin ‘Amr, and they say it is Mu‘āwiyah bin ‘Amr.

(المعجم ٤٨) - بَابُ مَا جَاءَ فِي صَلَاةِ النَّبِيِّ ﷺ عَلَى النَّجَاشِيِّ (التحفة ٤٨)

١٠٣٩ - حَدَّثَنَا أَبُو سَلَمَةَ يَحْيَى بْنُ خَلْفٍ وَحُمَيْدُ بْنُ مَسْعَدَةَ قَالَا: حَدَّثَنَا بِشْرُ بْنُ الْمُفَضَّلِ: حَدَّثَنَا يُونُسُ بْنُ عُبَيْدٍ عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أَبِي الْمُهَلَّبِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ قَالَ: قَالَ لَنَا رَسُولُ اللَّهِ ﷺ: «إِنَّ أَخَاكُمْ النَّجَاشِيَّ قَدْ مَاتَ فَقُومُوا فَصَلُّوا عَلَيْهِ». قَالَ: فَقُمْنَا فَصَفَفْنَا كَمَا يُصَفُّ عَلَى الْمَيِّتِ وَصَافَيْنَا عَلَيْهِ كَمَا يُصَلَّى عَلَى الْمَيِّتِ. وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ وَجَابِرِ بْنِ عَبْدِ اللَّهِ وَأَبِي سَعِيدٍ وَحُذَيْفَةَ بْنِ أَسِيدٍ وَجَرِيرِ بْنِ عَبْدِ اللَّهِ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ. وَقَدْ رَوَاهُ أَبُو قِلَابَةَ عَنْ عَمِّهِ أَبِي الْمُهَلَّبِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ. وَأَبُو الْمُهَلَّبِ اسْمُهُ عَبْدُ الرَّحْمَنِ بْنُ عَمْرٍو وَيُقَالُ لَهُ مُعَاوِيَةُ بْنُ عَمْرٍو.

تخريج: [إسناده صحيح] وأخرجه ابن ماجه، الجنائز، باب ماجاء في الصلاة على النجاشي، ح: ١٥٣٥ والنسائي: ٧٠/٤، ح: ١٩٧٧ من حديث بشر بن المفضل به وهو في صحيح مسلم، الجنائز: ٢٢، ح: ٩٥٣ من حديث أبي قلابة عن أبي المهلب به * وفي الباب عن أبي هريرة [تقدم: ١٠٢٢] وجابر بن عبدالله [البخاري، ح: ١٣٣٤ ومسلم، ح: ٩٥٢] وأبي سعيد [الطبراني في الأوسط: ٣٢٦/٥، ح: ٤٦٤٢] وحذيفة بن أسيد [ابن ماجه، ح: ١٥٣٧] وجرير بن عبدالله [أحمد: ٣٦٠/٢، ٣٦٣].

Comments:

This narration is a proof that the ‘prayer in the absence’ of the deceased can be performed. It seems more reasonable to perform the funeral prayer of the deceased only in peculiar circumstances. If the deceased is a prominent and

important personality or great scholar of Islamic world, or who has rendered services of great value to the nation and community, and people wanted to participate in his funeral prayers but they missed it for some reason, his funeral prayer can be performed in absence.

Chapter 49. What Has Been Related About The Virtue Of *Ṣalāt* For A Funeral

(المعجم ٤٩) - بَابُ مَا جَاءَ فِي فَضْلِ الصَّلَاةِ عَلَى الْجَنَازَةِ (التحفة ٤٩)

1040. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Whoever performs the funeral prayer then he will get a reward equal to a *Qirāt*. Whoever follows it until it is buried then he will get a reward equal to two *Qirāt*, one of them, or the least of them, is similar to Uḥud (mountain).” This was mentioned to Ibn ‘Umar, so he sent a message to ‘Āishah to ask her about that, and she said: “Abū Hurairah has told the truth.” So Ibn ‘Umar said: “We have missed many *Qirāt*.” (*Hasan*)

He said: There are narrations on this topic from Al-Barā’, ‘Abdullāh bin Mughaffal, ‘Abdullāh bin Mas‘ūd, Abu Sa‘eed, Ubayy bin Ka‘b, Ibn ‘Umar, and Thawbān.

Abū ‘Eisā said: The *Hadīth* of Abū Hurairah is a *Hasan Ṣaḥīḥ Hadīth*, and it is has been reported from him through more than one route.

١٠٤٠ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا عَبْدُهُ ابْنُ سُلَيْمَانَ عَنْ مُحَمَّدِ بْنِ عَمْرٍو: حَدَّثَنَا أَبُو سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ صَلَّى عَلَى جَنَازَةٍ فَلَهُ قِيرَاطٌ، وَمَنْ تَبِعَهَا حَتَّى يُقْفَى دَفْنُهَا فَلَهُ قِيرَاطَانِ أَحَدُهُمَا أَوْ أَصْغَرُهُمَا مِثْلُ أُحُدٍ» فَذَكَرْتُ ذَلِكَ لِابْنِ عُمَرَ فَأَرْسَلَ إِلَى عَائِشَةَ فَسَأَلَهَا، عَنْ ذَلِكَ فَقَالَتْ: صَدَقَ أَبُو هُرَيْرَةَ، فَقَالَ ابْنُ عُمَرَ: لَقَدْ فَرَطْنَا فِي قَرَارِيطٍ كَثِيرَةٍ.

قَالَ: وَفِي الْبَابِ عَنِ الْبَرَاءِ وَعَبْدِ اللَّهِ بْنِ مُعْقَلٍ وَعَبْدِ اللَّهِ بْنِ مَسْعُودٍ وَأَبِي سَعِيدٍ وَأَبِي ابْنِ كَعْبٍ وَابْنِ عُمَرَ وَثَوْبَانَ. قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ. قَدْ رَوَى عَنْهُ مِنْ غَيْرِ وَجْهٍ.

تخريج: [إسناده حسن] وأخرجه أحمد: ٤٧٠/٢ من حديث محمد بن عمرو اللبثي به وهو في صحيح البخاري، ح: ١٣٢٥ ومسلم، ح: ٩٤٥ من حديث أبي هريرة به * وفي الباب عن البراء [النسائي، ح: ١٩٤٢] وعبدالله بن مغفل [النسائي، ح: ١٩٤٣] وعبدالله بن مسعود [البيهقي (كشف): ٣٨٩/١، ح: ٨٢٥] وأبي سعيد [أحمد: ٢٧/٣، ٩٦] وأبي بن كعب [ابن ماجه، ح: ١٥٤١] وابن عمر [أحمد: ١٦/٢، ٣١] ثوبان [مسلم، ح: ٩٤٦].

Comments:

It comes to the light in this narration, that sometimes elite Companions were also unaware of some important narrations, and they consulted ‘Āishah for clarification and confirmation.

Chapter 50. Something Else (About The Extent Of What Is Acceptable (To Fulfill The Obligation) For Following The Funeral And Carrying It)

1041. Abū Al-Muhazzim said: “I accompanied Abū Hurairah for ten years, and I heard him saying: ‘I heard the Messenger of Allāh ﷺ saying: “Whoever follows a funeral, and carries it three times,^[1] then he has fulfilled the right that is required from him.” (*Da‘īf*)

Abū ‘Eīsā said: This *Hadīth* is *Gharīb*, some of them reported it with this chain of narration but they did not narrate it in *Marfū‘* form. Abū Al-Muhazzim’s name is Yazīd bin Sufyān, and *Shu‘bah* graded him weak.

تخریج: [إسناده ضعيف جدًا] أبوالمهزم، متروك (تقريب) ورواه ابن أبي شيبه: ٢٨٣/٣، ح: ١١٢٨٢ من حديث عباد بن منصور به موقوفًا.

Chapter 51. What Has Been Related About Standing For The Funeral (Procession)

1042. ‘Āmir bin Rabī‘ah narrated that the Messenger of Allāh ﷺ said: “When-ever you see a funeral (procession), stand up until it goes ahead of you or it is put down.” (*Ṣaḥīh*)

(He said:) There are narrations on this topic from Abū Sa‘eed, Jābir, Suhail bin Ḥunāif, Qais bin Sa‘d and Abū Hurairah.

(المعجم ٥٠) - بَابُ: آخِرُ [قَدَرُ مَا يُجْزَى مِنْ اتِّبَاعِ الْجَنَازَةِ وَحَمْلِهَا] (التحفة ٥٠)

١٠٤١ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا رَوْحُ بْنُ عُبَادَةَ: حَدَّثَنَا عَبَادُ بْنُ مَنْصُورٍ قَالَ: سَمِعْتُ أَبَا الْمُهْزَمِ يَقُولُ: صَحِبْتُ أَبَا هُرَيْرَةَ عَشْرَ سِنِينَ سَمِعْتُهُ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ تَبَعَ جَنَازَةً وَحَمَلَهَا ثَلَاثَ مَرَّاتٍ فَقَدْ قَضَى مَا عَلَيْهِ مِنْ حَقِّهَا».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ وَرَوَاهُ بَعْضُهُمْ بِهَذَا الْإِسْنَادِ وَلَمْ يَرْفَعْهُ. وَأَبُو الْمُهْزَمِ اسْمُهُ يَزِيدُ بْنُ سُفْيَانَ وَضَعَفَهُ شُعْبَةُ.

(المعجم ٥١) - بَابُ مَا جَاءَ فِي الْقِيَامِ لِلْجَنَازَةِ (التحفة ٥١)

١٠٤٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ، عَنْ عَامِرِ بْنِ رَبِيعَةَ عَنِ النَّبِيِّ ﷺ وَحَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، عَنْ عَامِرِ بْنِ رَبِيعَةَ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «إِذَا رَأَيْتُمُ الْجَنَازَةَ فَقُومُوا لَهَا حَتَّى تُخَلِّقَكُمْ أَوْ تُوضَعَ».

^[1] “Ibn Mālik said: ‘Meaning he helps those carrying it on the road, then he lets go to catch his breath, then he carries it for some of the road, doing that three times.’” *Tuhfat Al-Ahwadhī*.

Abū 'Eisā said: The *Ḥadīth* of 'Āmir bin Rabī'ah is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

[قَالَ:] وفي الباب عَنْ أَبِي سَعِيدٍ وَجَابِرٍ وَسَهْلِ بْنِ حُنَيْفٍ وَقَيْسِ بْنِ سَعْدٍ وَأَبِي هُرَيْرَةَ. قَالَ أَبُو عِيسَى: حَدِيثُ عَامِرِ بْنِ رَبِيعَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه مسلم، الجنائز، باب القيام للجنائز، ح: ٩٥٨ عن قتيبة والبخاري، ح: ١٣٠٧ من حديث ابن شهاب الزهري به * وفي الباب عن أبي سعيد [يأتي: ١٠٤٣] وجابر [البخاري، ح: ١٣١١ ومسلم، ح: ٩٦٠] وسهل بن حنيف [البخاري، ح: ١٣١٢، ١٣١٣ ومسلم، ح: ٩٦١] وقيس بن سعد [مسلم، ح: ٩٦١] وأبي هريرة [البخاري، ح: ١٣٠٩].

1043. Abū Sa'eed Al-Khudrī narrated that the Messenger of Allāh ﷺ said: "Whenever you see a funeral (procession), stand up (for it). Whoever follows it, then do not sit down until it is put down." (*Ṣaḥīḥ*)

Abū 'Eisā said: The *Ḥadīth* of Abū Sa'eed on this topic is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is the view of Ahmad and Ishāq. They said the one following the funeral procession is not to sit down until the men put it down from their necks. It has been reported from some of the people of knowledge among the Companions of the Prophet ﷺ and others, that they would go ahead of the funeral procession so that they could sit down before the funeral procession caught up to them. This is the view of Ash-Shāfi'ī.

١٠٤٣ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ الْجَهْضَمِيُّ وَالْحَسَنُ بْنُ عَلِيٍّ [الْخَلَّالُ] الْحُلَوَانِيُّ قَالَا: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ: حَدَّثَنَا هِشَامُ الدَّسْتَوَائِيُّ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا رَأَيْتُمُ الْجَنَازَةَ فَقُومُوا [لَهَا] فَمَنْ تَبِعَهَا فَلَا يَقْعُدَنَّ حَتَّى تَوْضَعَ».

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي سَعِيدٍ فِي هَذَا الْبَابِ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ قَالَا: مَنْ تَبَعَ جَنَازَةً فَلَا يَقْعُدَنَّ حَتَّى تَوْضَعَ عَنْ أَغْنَاكِ الرَّجَالِ. وَقَدْ رَوَى عَنْ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ أَنَّهُمْ كَانُوا يَقْدَمُونَ الْجَنَازَةَ فَيَقْعُدُونَ قَبْلَ أَنْ تَنْتَهِيَ إِلَيْهِمُ الْجَنَازَةُ. وَهُوَ قَوْلُ الشَّافِعِيِّ.

تخريج: متفق عليه، أخرجه البخاري، الجنائز، باب من تبع جنازة فلا يقعد حتى توضع... إلخ، ح: ١٣١٠ ومسلم، ح: ٩٥٩ من حديث هشام الدستوائي به.

Comments:

Hāfiz Ibn Qayyim writes that the Prophet ﷺ used to stand up on seeing a

funeral and he ordered (his followers) as well to stand up on seeing a funeral, but after some time he kept on sitting when seeing a funeral and he would not stand up for it. Meaning that the order for standing up when seeing a funeral is abrogated.

Chapter 52. Regarding Permission To Not Stand For It

1044. Mas'ūd bin Al-Ḥakīm narrated that standing for the funeral (procession) until it is put down was mentioned, and 'Alī bin Abī Tālib said: "The Messenger of Allāh ﷺ stood, then (later) he sat." (*Ṣaḥīḥ*)

There are narrations on this topic from Al-Ḥasan bin 'Alī, and Ibn 'Abbās.

Abū 'Eisā said: The *Ḥadīth* of 'Alī is a *Ḥasan Ṣaḥīḥ Ḥadīth*, regarding which there are narrations from four of the *Tābi'in* narrating it from each other. This is acted upon according to some of the people of knowledge. Ash-Shāfi'ī said: "This is the most correct thing on this topic." This *Ḥadīth* abrogates the first *Ḥadīth*: "Whenever you see a funeral (procession), stand up [for it]."

Aḥmad said: "If he wants, he stands, and if he wants, he does not stand." His proof is that it has been reported that the Prophet ﷺ stood, then sat, and this is what Ishāq bin Ibrāhīm said.

(Abū 'Eisā said:) As for the saying of 'Alī: That the Prophet ﷺ stood for the funeral and then sat, he means that the Prophet ﷺ would stand when he saw a funeral (procession), then he did not do so later, so he would not stand when he saw the funeral (procession).

(المعجم ٥٢) - بَابُ: فِي الرُّخْصَةِ فِي تَرْكِ الْقِيَامِ لَهَا (التحفة ٥٢)

١٠٤٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ بْنُ سَعْدٍ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ وَاقِدٍ وَهُوَ ابْنُ عَمْرٍو بْنِ سَعْدٍ بْنِ مُعَاذٍ، عَنْ نَافِعِ بْنِ جُبَيْرٍ، عَنْ مَسْعُودِ بْنِ الْحَكَمِ، عَنْ عَلِيٍّ بْنِ أَبِي طَالِبٍ أَنَّهُ ذَكَرَ الْقِيَامُ فِي الْجَنَائِزِ حَتَّى تَوْضَعَ فَقَالَ عَلِيٌّ: قَامَ رَسُولُ اللَّهِ ﷺ ثُمَّ قَعَدَ.

وَفِي الْبَابِ عَنِ الْحَسَنِ بْنِ عَلِيٍّ وَابْنِ عَبَّاسٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ عَلِيٍّ [حَدِيثٌ] حَسَنٌ صَحِيحٌ وَفِيهِ رَوَايَةٌ أَرْبَعَةٌ مِنَ التَّابِعِينَ بَعْضُهُمْ عَنْ بَعْضٍ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ. قَالَ الشَّافِعِيُّ: وَهَذَا أَصَحُّ شَيْءٍ فِي هَذَا الْبَابِ. وَهَذَا الْحَدِيثُ نَاسِخٌ لِلْحَدِيثِ الْأَوَّلِ «إِذَا رَأَيْتُمُ الْجَنَازَةَ فَقُومُوا» وَقَالَ أَحْمَدُ: إِنْ شَاءَ قَامَ وَإِنْ شَاءَ لَمْ يَقُمْ. وَاحْتَجَّ بِأَنَّ النَّبِيَّ ﷺ قَدْ رُوي عَنْهُ أَنَّهُ قَامَ ثُمَّ قَعَدَ، وَهَكَذَا قَالَ إِسْحَاقُ بْنُ إِبْرَاهِيمَ.

[قَالَ أَبُو عِيسَى:] وَمَعْنَى قَوْلِ عَلِيٍّ: قَامَ النَّبِيُّ ﷺ فِي الْجَنَازَةِ ثُمَّ قَعَدَ. يَقُولُ: كَانَ النَّبِيُّ ﷺ إِذَا رَأَى الْجَنَازَةَ [قَامَ] ثُمَّ تَرَكَ ذَلِكَ بَعْدَ فَكَانَ لَا يَقُومُ إِذَا رَأَى الْجَنَازَةَ.

تخريج: وأخرجه مسلم، الجنائز، باب نسخ القيام للجنابة، ح: ٩٦٢ عن قتيبة به * وفي الباب عن الحسن بن علي [النسائي، ح: ١٩٢٥-١٩٢٨] وابن عباس [النسائي، ح: ١٩٢٥].

Comments:

Imām Baiḍāwī writes that the words “he sat” may have been used in two senses. Firstly in the sense that when the funeral procession passed and went considerably away he sat down. The second sense is that he used to stand up on seeing a funeral procession, but later on he stopped this practice of standing up. It makes it clear that the orders of standing up on seeing a funeral procession were abrogated.

Chapter 53. What Has Been Related About The Saying of the Prophet ﷺ: The *Laḥd* Is For Us And The Hole Is For Other Than Us

(المعجم ٥٣) - بَابُ مَا جَاءَ فِي قَوْلِ النَّبِيِّ ﷺ: «الْلَّحْدُ لَنَا وَالشَّقُّ لِغَيْرِنَا» (التحفة ٥٣)

1045. Ibn ‘Abbās narrated that the Prophet ﷺ said: “The *Laḥd* is for us and the hole is for other than us.” (*Daʿīf*)

There are narrations on this topic from Jarīr bin ‘Abdullāh, ‘Aīshah, Ibn ‘Umar, and Jābir.

Abū ‘Eisā said: The *Ḥadīth* of Ibn ‘Abbās is a *Ḥasan Gharīb Ḥadīth* from this route.

١٠٤٥ - حَدَّثَنَا أَبُو كُرَيْبٍ وَنَصْرُ بْنُ عَبْدِ الرَّحْمَنِ الْكُوفِيُّ وَيُوسُفُ بْنُ مُوسَى الْقَطَّانُ الْبَغْدَادِيُّ قَالُوا: حَدَّثَنَا حَكَّامُ بْنُ سَلَمٍ عَنْ عَلِيِّ بْنِ عَبْدِ الْأَعْلَى، عَنْ أَبِيهِ، عَنْ سَعِيدِ ابْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ النَّبِيُّ ﷺ: «الْلَّحْدُ لَنَا وَالشَّقُّ لِغَيْرِنَا».

وفي الباب عَنْ جَرِيرِ بْنِ عَبْدِ اللَّهِ وَعَائِشَةَ وَابْنَ عُمَرَ وَجَابِرَ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الجنائز، باب: في اللحد، ح: ٣٢٠٨ وابن ماجه، ح: ١٥٥٤ وغيرهما من حديث حكام به * عبد الأعلى الثعلبي: ضعيف وقال الهيثمي في المجمع: ١٤٧/١: “الأكثر على تضعيفه” وللحديث شواهد ضعيفة * وفي الباب عن جرير بن عبدالله [ابن ماجه، ح: ١٥٥٥] وعائشة [ابن ماجه، ح: ١٥٥٨] وابن عمر [أحمد: ٢/٢٤] وجابر [ابن شاهين في الجنائز، كما في التلخيص الحبير: ١٢٧/٢، ح: ٧٨١] * وأما اللحد لرسول الله ﷺ فتابع. وقال النووي في المجموع: ٢٨٧/٥: “أجمع العلماء أن الدفن في اللحد والشق جائزان، لكن إن كانت الأرض صلبة لا ينهار ترابها فاللحد أفضل لما سبق من الأدلة، وإن كانت رخوة تنهار فالشق أفضل.”

Comments:

“*Lahd*” means a niche hole dug in the side wall of a grave for the purpose of placing the deceased in it. While making a sidewise niche in the grave, it is to be made sure that when the deceased is placed in the grave the face is facing *Qiblah*. “*Shaqq*” means a hole made in the earth for burial. It is clear from this narration that making a grave with a *Lahd* is better for Muslims, but it is only possible when the soil is good enough to make a *Lahd* in it. It is not possible to make a *Lahd* in sandy soil.

Chapter 54. What Has Been Related About What Is Said When Putting The Deceased In The Grave

1046. Ibn ‘Umar narrated: “When the Prophet ﷺ put the deceased in the grave” He said: And Abū Khālīd (one of the narrators) said [one time]: “When he placed the deceased in the *Lahd*” ~ “He said one time: ‘In the Name of Allāh, by His command and upon the *Millah* of the Messenger of Allāh.’ And one time he said: ‘In the Name of Allāh, by His command and upon the *Sunnah* of the Messenger of Allāh ﷺ.’” (*Ṣaḥīh*)

Abū ‘Eīsā said: This *Hadīth* is *Hasan Gharīb* from this route. This *Hadīth* has also been reported from a different route, from Ibn ‘Umar, from the Prophet ﷺ. Abū Aṣ-Ṣiddīq An-Nājī reported it from Ibn ‘Umar, from the Prophet ﷺ. It has also been reported from Abū Aṣ-Ṣiddīq (An-Nājī), from Ibn ‘Umar in *Mawqūf* form.

(المعجم ٥٤) - بَابُ مَا جَاءَ مَا يَقُولُ
إِذَا أُدْخِلَ الْمَيِّتُ الْقَبْرَ (التحفة ٥٤)

١٠٤٦ - حَدَّثَنَا أَبُو سَعِيدٍ الْأَشْجَعُ:
حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ: حَدَّثَنَا الْحَجَّاجُ
عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ
[كَانَ] إِذَا أُدْخِلَ الْمَيِّتُ الْقَبْرَ قَالَ: - وَقَالَ
أَبُو خَالِدٍ [مَرَّةً] إِذَا وُضِعَ الْمَيِّتُ فِي لَحْدِهِ
- قَالَ مَرَّةً: بِسْمِ اللَّهِ وَبِاللَّهِ وَعَلَى مِلَّةِ
رَسُولِ اللَّهِ وَقَالَ مَرَّةً: بِسْمِ اللَّهِ وَبِاللَّهِ وَعَلَى
سُنَّةِ رَسُولِ اللَّهِ ﷺ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ
مِنْ هَذَا الْوَجْهِ.

وَقَدْ رَوَيْ هَذَا الْحَدِيثُ مِنْ غَيْرِ هَذَا
الْوَجْهِ أَيْضًا عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ.
وَرَوَاهُ أَبُو الصَّدِّيقِ النَّاجِي عَنْ ابْنِ عُمَرَ عَنِ
النَّبِيِّ ﷺ.

وَقَدْ رَوَيْ عَنْ أَبِي الصَّدِّيقِ [النَّاجِي]،
عَنِ ابْنِ عُمَرَ، مَوْقُوفًا أَيْضًا.

تخریج: [صحیح] وأخرجه ابن ماجه، الجنائز، باب ما جاء في إدخال الميت القبر،
ح: ١٥٥٠ عن أبي سعيد الأشج به * حجاج هو ابن أوطاة وللحديث شواهد عند ابن ماجه،
ح: ١٥٥٠ وأبي داود، ح: ٣٢١٣ وغيرهما.

Chapter 55. What Has Been Related About The One Cloth That Is Placed Under The Deceased In The Grave

1047. Ja'far bin Muḥammad narrated that his father said: "The one who made the *Laḥd* in the grave of the Messenger of Allāh ﷺ was Abū Ṭalḥah. And the one who placed the velvet cloth under him was Shuqrān a freed slave of Messenger of Allāh ﷺ." (*Hasan*)

Ja'far said: "(‘Ubaidullāh) Ibn Abī Rāfi‘ informed me, he said: 'I heard Shuqrān saying: "By Allāh! It was I who placed the velvet under the Messenger of Allāh ﷺ in the grave."'

He said: There is something on this topic from Ibn ‘Abbās.

Abū ‘Eīsā said: The *Hadīth* of Shuqrān is a *Hasan Gharīb Hadīth*. ‘Alī bin Al-Madīnī (also) reported this *Hadīth* from ‘Uthmān bin Farqad.

الحديث، وابن أبي رافع هو عبيدالله، والحديث

1048. Ibn ‘Abbās narrated: "A red velvet cloth was placed in the grave of the Prophet ﷺ." (*Ṣaḥīḥ*)

(He said: In another place, Muḥammad bin Bash-shār said: 'Muḥammad bin Ja'far and Yahya bin Shu'bah narrated to us, from Abī Jamrah, from Ibn ‘Abbās,' and this is more correct.)

Abū ‘Eīsā said: This *Hadīth* is *Hasan Ṣaḥīḥ*. Shu'bah reports from Abū Ḥamzah Al-Qaṣṣāb, and his

(المعجم ٥٥) - بَابُ مَا جَاءَ فِي الثَّوْبِ
الْوَاحِدِ يُلْقَى تَحْتَ الْمَيِّتِ فِي الْقَبْرِ

(التحفة ٥٥)

١٠٤٧ - حَدَّثَنَا زَيْدُ بْنُ أَحْزَمَ الطَّائِي [البصري]: حَدَّثَنَا عُثْمَانُ بْنُ فَرْقَدٍ، قَالَ: سَمِعْتُ جَعْفَرَ بْنَ مُحَمَّدٍ عَنْ أَبِيهِ قَالَ: الَّذِي أَلْحَدَ قَبْرَ رَسُولِ اللَّهِ ﷺ أَبُو طَلْحَةَ. وَالَّذِي أَلْقَى الْقَطِيفَةَ تَحْتَهُ شُقْرَانُ مَوْلَى لِرَسُولِ اللَّهِ ﷺ.

قَالَ جَعْفَرٌ: وَأَخْبَرَنِي [عَبِيدُ اللَّهِ] بْنُ أَبِي رَافِعٍ قَالَ: سَمِعْتُ شُقْرَانَ يَقُولُ: أَنَا، وَاللَّهِ طَرَحْتُ الْقَطِيفَةَ تَحْتَ رَسُولِ اللَّهِ ﷺ فِي الْقَبْرِ قَالَ: وَفِي الْبَابِ عَنْ ابْنِ عَبَّاسٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ شُقْرَانَ حَدِيثٌ حَسَنٌ غَرِيبٌ. وَرَوَى عَلِيُّ بْنُ الْمَدِينِيِّ عَنْ عُثْمَانَ بْنِ فَرْقَدٍ هَذَا الْحَدِيثَ.

تخريج: [حسن] * عثمان بن فرق، حسن الحديث، وابن أبي رافع هو عبيدالله، والحديث أنكره أبوحاتم كما في علل الحديث، ح: ١٠٥٤.

١٠٤٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ شُعْبَةَ، عَنْ أَبِي حَمْزَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: جُعِلَ فِي قَبْرِ النَّبِيِّ ﷺ قَطِيفَةٌ حُمْرَاءُ.

[قَالَ: وَقَالَ مُحَمَّدُ بْنُ بَشَّارٍ فِي مَوْضِعٍ آخَرَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ وَيَحْيَى عَنْ شُعْبَةَ، عَنْ أَبِي حَمْزَةَ، عَنْ ابْنِ عَبَّاسٍ وَهَذَا أَصَحُّ.]

name is 'Imrān bin Abī 'Aṭā'. He also reports from Abū Jamrah Aḍ-Ḍaba'ī. His name is Naṣr bin 'Imrān, and both of them report from Ibn 'Abbās.

It has been reported from Ibn 'Abbās that he disliked placing anything under the deceased in the grave, and some of the people of knowledge followed that.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رَوَى شُعْبَةُ عَنْ أَبِي حَمَزَةَ الْقَصَّابِ، وَاسْمُهُ عِمْرَانُ بْنُ أَبِي عَطَاءٍ. وَرُوِيَ عَنْ أَبِي جَمْرَةَ الضَّبْعِيِّ. وَاسْمُهُ نَصْرُ بْنُ عِمْرَانَ، وَكِلَاهُمَا مِنْ أَصْحَابِ ابْنِ عَبَّاسٍ. وَقَدْ رُوِيَ عَنِ ابْنِ عَبَّاسٍ: أَنَّهُ كَرِهَ أَنْ يُلْقَى تَحْتَ الْمَيِّتِ فِي الْقَبْرِ شَيْءٌ. وَإِلَى هَذَا ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ.

تخريج: وأخرجه مسلم، الجنائز، باب جعل القطيفة في القبر، ح: ٩٦٧ من حديث يحيى بن سعيد القطان به وعنده أبو جمرة.

Comments:

Shuqrān, a freed slave of the Prophet ﷺ, placed the sheet of the Prophet ﷺ in the grave with him, with the intention to prevent its use by others. But when the other Companions came to know they pulled the sheet out of the grave. It can be inferred from this incident that it is not proper to put any cloth under the shroud. (*Tuhfat Al-Aḥwadhī* v. 2 p.153.)

Chapter 56. What Has Been Related About Leveling The Grave

1049. Abū Wā'il narrated: "Alī said to Abū Al-Hayyāj Al-Asadī: 'I am dispatching you with what the Prophet ﷺ dispatched me: "That you not leave an elevated grave without leveling it, nor an image without erasing it." (*Ṣaḥīḥ*)

There is something about this from Jābir.

Abū 'Eisā said: The *Ḥadīth* of 'Alī is a *Ḥasan Ḥadīth*. This is acted upon according to some of the people of knowledge. They consider it disliked for a grave to be raised above the ground.

Ash-Shāfi'ī said: "It is disliked to elevate a grave more than the

(المعجم ٥٦) - بَابُ مَا جَاءَ فِي تَسْوِيَةِ

الْقَبْرِ (التحفة ٥٦)

١٠٤٩ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا سُفْيَانُ عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ، عَنْ أَبِي وَائِلٍ، أَنَّ عَلِيًّا قَالَ لِأَبِي الْهَيَّاجِ الْأَسَدِيِّ: أَبْعَثَكَ عَلَى مَا بَعَثَنِي بِهِ النَّبِيُّ ﷺ: أَنْ لَا تَدَعَ قَبْرًا مُسْرَفًا إِلَّا سَوَّيْتُهُ، وَلَا يَمَثَلًا إِلَّا طَمَسْتُهُ.

وفي الباب عن جابر.

قَالَ أَبُو عِيسَى: حَدِيثٌ عَلِيٍّ حَدِيثٌ حَسَنٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ، يَكْرَهُونَ أَنْ يُرْفَعَ الْقَبْرُ فَوْقَ الْأَرْضِ. قَالَ الشَّافِعِيُّ: أَكْرَهُ أَنْ يُرْفَعَ الْقَبْرُ إِلَّا

extent by which it may be known that it is a grave, and it may not be tread on or sat on.”

يَقْدَرُ مَا يُعْرَفُ أَنَّهُ قَبْرٌ، لَكَيْلًا يُوطَأَ وَلَا يُجْلَسَ عَلَيْهِ.

تخريج: وأخرجه مسلم، الجنائز، باب الأمر بتسوية القبر، ح: ٩٦٩ من حديث سفيان الثوري به * وفي الباب عن جابر [يأتي: ١٠٥٢].

Comments:

The height of the grave should only be to the limit by which it could be assumed that this is a grave. Usually its height is one hand-span.

Chapter 57. What Has Been Related About It Being Disliked to Tread On Graves, Sit On Them, (And Pray Towards Them)

(المعجم ٥٧) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ الْوُطْئِ عَلَى الْقُبُورِ وَالْجُلُوسِ عَلَيْهَا وَالصَّلَاةِ إِلَيْهَا [التحفة ٥٧]

1050. Abū Marthad Al-Ghanawī narrated that the Prophet ﷺ said: “Do not sit on the graves nor perform *Ṣalāt* towards them.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Abū Hurairah, ‘Amr bin Ḥazm, and Bashīr bin Al-Khaṣāṣiyah.

(Another route) with this chain, and it is similar.

١٠٥٠ - حَدَّثَنَا هَمَّادٌ: حَدَّثَنَا [عَبْدُ اللَّهِ] ابْنُ الْمُبَارَكِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ بْنِ جَابِرٍ، عَنْ بُسْرِ بْنِ عُبَيْدِ اللَّهِ، عَنْ أَبِي إِدْرِيسَ الْخَوْلَانِيِّ، عَنْ وَائِلَةَ بْنِ الْأَسْمَعِ، عَنْ أَبِي مَرْثَدٍ الْغَنَوِيِّ قَالَ: قَالَ النَّبِيُّ ﷺ: «لَا تَجْلِسُوا عَلَى الْقُبُورِ وَلَا تُصَلُّوا إِلَيْهَا».

[قَالَ:] وفي الباب عن أبي هريرة، وعمر بن حزم، وبشير ابن الخصاصة.

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: أَخْبَرَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ، بِهَذَا الْإِسْنَادِ، نَحْوَهُ.

تخريج: وأخرجه مسلم، الجنائز، باب النهي عن الجلوس على القبر والصلاة عليه، ح: ٩٨/٩٧٢ من حديث ابن المبارك به * وفي الباب عن أبي هريرة [مسلم، ح: ٩٧١] وعمر بن حزم [أحمد، بحواله جامع المسانيد والسنن لابن كثير: ٥٥٨/٩، ٥٥٩، ح: ٧٢٧٤] وبشير ابن الخصاصة [أبو داود، ح: ٣٢٣٠ وابن ماجه، ح: ١٥٦٨].

1051. (Another chain) from Abū Marthad Al-Ghanawī from the Prophet ﷺ, similar (to no. 1050), but it does not contain “from Abū

١٠٥١ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ وَأَبُو عَمَّارٍ قَالَا: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ بْنِ جَابِرٍ، عَنْ بُسْرِ بْنِ عُبَيْدِ

Idrīs” and this is what is correct. (*Ṣaḥīḥ*)

Abū ‘Eīsā said: Muḥammad said: “The narration of Ibn Al-Mubārak^[1] is mistaken, Ibn Al-Mubārak is the one who made the mistake, he added ‘from Abū Idrīs Al-Khawlanī’ when it is ‘Busr bin ‘Ubaidullāh, from Wāthilah.’”^[2]

This is how it was reported by more than one from ‘Abdur-Raḥmān bin Yazīd bin Jābir, it does not contain Abū Idrīs Al-Khawlanī. And Busr bin ‘Ubaidullāh heard from Wāthilah bin Al-Asqa’.

تخريج: [صحيح] انظر الحديث السابق، ورواه مسلم، ح: ٩٧٢ عن علي بن حجر به والطريقان صحيحان.

Comments:

It is not proper to destroy the graves. Sitting or walking over the graves is also not allowed. Praying or performing prayers facing the graves is unlawful.

Chapter 58. What Has Been Related About It Being Disliked To Plaster Graves And Write On Them

1052. Jābir narrated: “The Messenger of Allāh ﷺ prohibited plastering graves, writing on them, building over them, and treading on them.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*, it has been reported through other routes from Jābir.

Some of the people of knowledge, among them Al-Ḥasan Al-Baṣrī, permitted covering it with clay.

Ash-Shāfi‘ī said: “There is no harm if the grave is covered with clay.”

الله، عَنْ وَائِلَةَ بْنِ الْأَسْقَعِ، عَنْ أَبِي مَرْثَدٍ الْغَنَوِيِّ عَنِ النَّبِيِّ ﷺ، نَحْوَهُ وَلَيْسَ فِيهِ عَنْ أَبِي إِدْرِيسَ وَهَذَا الصَّحِيحُ.

قَالَ أَبُو عِيسَى: قَالَ مُحَمَّدٌ: وَحَدِيثُ ابْنِ الْمُبَارَكِ خَطَأٌ، أَخْطَأَ فِيهِ ابْنُ الْمُبَارَكِ، وَزَادَ فِيهِ عَنْ أَبِي إِدْرِيسَ الْخَوْلَانِيِّ وَإِنَّمَا هُوَ بُسْرُ ابْنِ عُبَيْدِ اللَّهِ عَنْ وَائِلَةَ، هَكَذَا رَوَى غَيْرُ وَاحِدٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ بْنِ جَابِرٍ. وَلَيْسَ فِيهِ عَنْ أَبِي إِدْرِيسَ الْخَوْلَانِيِّ. وَبُسْرُ ابْنِ عُبَيْدِ اللَّهِ قَدْ سَمِعَ مِنْ وَائِلَةَ بْنِ الْأَسْقَعِ.

(المعجم ٥٨) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ

تَجْصِيسِ الْقُبُورِ وَالْكِتَابَةِ عَلَيْهَا

(التحفة ٥٨)

١٠٥٢ - حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ الْأَسْوَدِ أَبُو عَمْرٍو الْبَصْرِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ رَيْبَعَةَ عَنْ ابْنِ جُرَيْجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ أَنْ تُجْصَّصَ الْقُبُورُ وَأَنْ يُكْتَبَ عَلَيْهَا وَأَنْ يُنَى عَلَيْهَا، وَأَنْ تُوْطَأَ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. قَدْ رُوِيَ مِنْ غَيْرِ وَجْهِ عَنْ جَابِرٍ. وَقَدْ رَخَّصَ بَعْضُ أَهْلِ الْعِلْمِ، مِنْهُمْ الْحَسَنُ الْبَصْرِيُّ فِي تَطْيِينِ الْقُبُورِ.

[1] That is, the chain for no. 1050.

[2] That is, as it appears in the chain of no. 1051.

وَقَالَ الشَّافِعِيُّ: لَا بَأْسَ أَنْ يُطَيَّنَ الْقَبْرُ.

تخريج: وأخرجه مسلم، الجنائز، باب النهي عن تجصيص القبر والبناء عليه، ح: ٩٧٠ من حديث ابن جريج به.

Comments:

It is not lawful to make a dome over the grave. Constructing a grave with bricks or concrete blocks is also unlawful. Destroying a grave is also unlawful. Plastering a grave with mud is allowed and it is not considered as constructed with bricks or blocks.

Chapter 59. What A Man Is To Say When He Enters A Graveyard

1053. Ibn ‘Abbās narrated: “The Messenger of Allāh ﷺ passed by the graves of Al-Madinah, so he turned his face towards them and said: (*As-Salāmu ‘alaikum yā ahlul-qubūr! Yaghfirul-lāhu lanā wa lakum, antum salafunā wa nahnu bil-athar.*) ‘Peace be upon you O inhabitants of the grave! May Allāh forgive us and you; you are our predecessors and we are to follow you.’” (*Da‘if*)^[1]

(He said:) There are narrations on this topic from Buraidah and ‘Aishah.

(Abū ‘Eisā said:) the *Hadūth* of Ibn ‘Abbās is a *Ḥasan Gharīb Hadūth*. Abū Kudaibah’s name is Yahya bin Al-Muhallab, and Abū Zabyān’s name is Ḥusain bin Jundab.

(المعجم ٥٩) - بَابُ مَا يَقُولُ الرَّجُلُ إِذَا دَخَلَ الْمَقَابِرَ (التحفة ٥٩)

١٠٥٣ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا مُحَمَّدُ ابْنُ الصَّلْتِ عَنْ أَبِي كُذَيْبَةَ، عَنْ قَابُوسَ بْنِ أَبِي طَيَّانَ، عَنْ أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ قَالَ: مَرَّ رَسُولُ اللَّهِ ﷺ بِقُبُورِ الْمَدِينَةِ، فَأَقْبَلَ عَلَيْهِمْ بِوَجْهِهِ فَقَالَ: «السَّلَامُ عَلَيْكُمْ يَا أَهْلَ الْقُبُورِ يَغْفِرُ اللَّهُ لَنَا وَلَكُمْ، أَنْتُمْ سَلَفُنَا وَنَحْنُ بِالْآخِرِ».

[قَالَ]: وفي الباب عَنْ بُرَيْدَةَ وَعَائِشَةَ. [قَالَ أَبُو عِيسَى]: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ غَرِيبٌ. وَأَبُو كُذَيْبَةَ اسْمُهُ يَحْيَى بْنُ الْمُهَلَّبِ. وَأَبُو طَيَّانَ اسْمُهُ حُصَيْنُ بْنُ جُنْدَبٍ.

تخريج: [إسناده ضعيف] وأخرجه الطبراني في الكبير: ١٢/١٠٧، ١٠٨، ح: ١٢٦١٣ من حديث أبي كدينة به * قابوس فيه لين (تقريب) ولبعض الحديث شواهد * وفي الباب عن بريدة [مسلم، ح: ٩٧٥] وعائشة [مسلم، ح: ٩٧٤].

Comments:

In this narration it has been mentioned that the purpose of going to a graveyard is just a reminder of death, and to ask Allāh’s blessings for the dead and for oneself. Nowadays we see people going to graves asking their various needs from the dead which is clear *Shirk*.

[1] See *Muslim*, nos (974) 2255, 2256 and (975) 2275.

Chapter 60. What Has Been Related About The Permission To Visit the Graves

(المعجم ٦٠) - بَابُ مَا جَاءَ فِي

الرُّخْصَةِ فِي زِيَارَةِ الْقُبُورِ

(التحفة ٦٠)

1054. Sulaimān bin Buraidah narrated from his father that the Messenger of Allāh ﷺ said: "I had prohibited you from visiting the graves. But Muḥammad (ﷺ) was permitted to visit the grave of his mother: so visit them, for they will remind you of the Hereafter." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Abū Sa'eed, Ibn Mas'ūd, Anas, Abū Hurairah, and Umm Salamah.

Abū 'Eisā said: The *Ḥadīth* of Buraidah is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to the people of knowledge. They did not see any harm in visiting the graves. This is the view of Ibn Al-Mubārak, Ash-Shāfi'ī, Aḥmad and Ishāq.

١٠٥٤ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ وَمَحْمُودُ ابْنُ عَيْلَانَ وَالْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ قَالُوا: حَدَّثَنَا أَبُو عَاصِمٍ النَّبِيلُ: حَدَّثَنَا سُفْيَانُ عَنْ عَلْقَمَةَ بْنِ مَرْثَدٍ، عَنْ سُلَيْمَانَ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «قَدْ كُنْتُ نَهَيْتُكُمْ عَنْ زِيَارَةِ الْقُبُورِ، فَقَدْ أُذِنَ لِمُحَمَّدٍ فِي زِيَارَةِ قَبْرِ أُمِّهِ، فَزُورُوهَا، فَإِنَّهَا تُذَكِّرُ الْآخِرَةَ».

[قَالَ:] وفي الباب عن أَبِي سَعِيدٍ وَابْنِ مَسْعُودٍ وَأَنَسٍ وَأَبِي هُرَيْرَةَ وَأُمِّ سَلَمَةَ. قَالَ أَبُو عِيْسَى: حَدِيثُ بُرَيْدَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ، لَا يَرَوْنَ زِيَارَةَ الْقُبُورِ بَأْسًا، وَهُوَ قَوْلُ ابْنِ الْمُبَارَكِ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ.

تخریج: وأخرجه مسلم، الجناز، باب استئذان النبي ﷺ ربه عزوجل في زيارة قبر أمه، ح: ٩٧٧ من حديث سفیان الثوري به * وفي الباب عن أبي سعيد [اليهقي: ٧٧/٤] ابن مسعود [ابن ماجه، ح: ١٥٧١] وأنس [أحمد: ٣/٢٣٧] وأبي هريرة [مسلم، ح: ٩٧٦] وأم سلمة [الطبراني في الكبير: ٢٣/٢٧٨، ح: ٦٠٢].

Chapter 61. What Has Been Related About Women Visiting Graves

1055. 'Abdullāh bin Abī Mulaikah said: "Abdur-Raḥmān bin Abī Bakr died in Al-Ḥubshī"^[1] He said: "He

(المعجم ٦١) - بَابُ مَا جَاءَ فِي الزِّيَارَةِ

لِلْقُبُورِ لِلنِّسَاءِ (التحفة ٦١)

١٠٥٥ - حَدَّثَنَا الْحُسَيْنُ بْنُ حُرَيْثٍ: حَدَّثَنَا عِيْسَى بْنُ يُونُسَ عَنْ ابْنِ جُرَيْجٍ، عَنْ

[1] An area near Makkah.

was carried to Makkah to be buried there. So when 'Āishah arrived she went to the grave of 'Abdur-Rahmān bin Abī Bakr and she said: "We were like two drinking companions of Jadhīmah for such a long time that they would say: 'They will never part.' So when we were separated it was as if I and Mālik – due to the length of unity – never spent a night together."^[1]

(Da'if)

Then she said: "By Allāh! Had I been present, you would not have been buried except where you died, and if I had attended (the burial) I would not be visiting you."

عَبْدُ اللَّهِ بْنُ أَبِي مُلَيْكَةَ قَالَ: تُوْفِّي عَبْدُ الرَّحْمَنِ بْنُ أَبِي بَكْرٍ بِالْحَبَشِيِّ قَالَ: فَحُوِّلَ إِلَى مَكَّةَ فَذُفِنَ فِيهَا، فَلَمَّا قَدِمْتُ عَائِشَةُ أَتَتْ قَبْرَ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرٍ فَقَالَتْ:

وَكُنَّا كَنَدَمَانِي جَذِيمَةَ حِقْبَةٍ مِنَ الدَّهْرِ حَتَّى قِيلَ: لَنْ يَتَصَدَّعَا فَلَمَّا تَفَرَّقْنَا كَأَنِّي وَمَالِكَا لِيَطُولَ اجْتِمَاعُ، لَمْ نَبْتَ لَيْلَةً مَعَا

ثُمَّ قَالَتْ: وَاللَّهِ! لَوْ حَضَرْتُكَ مَا ذُفِنْتَ إِلَّا حَيْثُ مِتُّ، وَلَوْ شَهِدْتُكَ مَا زُرْتُكَ.

تخريج: [إسناده ضعيف] ابن جريج عن عن في هذا اللفظ وأخرجه عبدالرزاق: ٥١٧/٣، ح: ٦٥٣٥ عن ابن جريج به مختصراً دون الأشعار وصرح بالسماع عنده.

Chapter 61B. What Has Been Related About It Being Disliked For Women To Visit The Graves

1056. Abū Hurairah narrated: "Indeed the Messenger of Allāh ﷺ cursed the women who visit the graves." (Hasan)

(He said:) There are narrations on this topic from Ibn 'Abbās, and Hassān bin Thābit.

(المعجم ٦١م) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ زِيَارَةِ الْقُبُورِ لِلنِّسَاءِ (التحفة ٦٢)

١٠٥٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ عُمَرَ بْنِ أَبِي سَلَمَةَ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ لَعَنَ زَوَارَاتِ الْقُبُورِ.

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عَبَّاسٍ وَحَسَّانَ بْنِ ثَابِتٍ.

[1] Al-Mubārakpūrī said: "In *Sharh Al-Mughnī*, Ash-Shamanī said: 'This is Tamīm bin Nuwairah's (that is: Mutamim bin Nuwairah At-Tamīmī as mentioned in *Al-Isābah*) verse (of poetry) eulogizing his brother Mālik who was killed by Khālīd bin Walīd.'" And he said: "Aṭ-Ṭibī said: 'This Jadhīmah was a king of 'Irāq and Mesopotamia whom the Arabs rallied around while he was the governor of Az-Zabā.'" And he said about the drinking companions of Jadhīmah: "They were Mālik and 'Aqīl, and they were his drinking companions and comrades for a period of forty years." *Tuhfat Al-Aḥwadhī*. Az-Zabā' is a city on the banks of the Euphrates as mentioned in *Mu'jam Al-Buldān*.

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. Some of the people of knowledge thought that this was before the Prophet ﷺ permitted visiting the graves. Then when he permitted it, both men and women were included in the permission.

Some of them said that visiting the graves is only disliked (for women) due to their lack of patience and excessive mourning.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، الجنائز، باب ماجاء في النهي عن زيارة النساء القبور، ح: ١٥٧٦ من حديث أبي عوانة به وصححه ابن حبان (الإحسان): ٣١٧٨ * وفي الباب عن ابن عباس [تقدم: ٣٢٠] وحسان بن ثابت [ابن ماجه، ح: ١٥٧٤].

Comments:

The purpose of visiting the graves is to understand the finite nature of this life and this world and to prepare oneself to face Allāh ﷻ. If the woman goes to the graves for this purpose it is allowed, but going to graves for making vows is unlawful and strictly prohibited.

Chapter 62. What Has Been Related About Burial During The Night

1057. Ibn 'Abbās narrated: "The Prophet ﷺ entered a grave during the night, so a torch was lit for him. He took it (the deceased) in from the direction of the *Qiblah*, and he said: 'May Allāh have mercy upon you, you were often invoking (Allāh) by reciting the Qur'an.' And he said '*Allāhu Akbar* four times.'" (*Da'if*)

(He said:) There are narrations on this topic from Jābir, and Yazīd bin Thābit – the elder brother of Zaid bin Thābit.

Abū 'Eisā said: The *Ḥadīth* of Ibn 'Abbās is a *Ḥasan Ḥadīth*. Some of the people of knowledge followed this. He said: The deceased is entered into the grave from the

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَقَدْ رَأَى بَعْضُ أَهْلِ الْعِلْمِ، أَنَّ هَذَا كَانَ قَبْلَ أَنْ يُرَخَّصَ النَّبِيُّ ﷺ فِي زِيَارَةِ الْقُبُورِ، فَلَمَّا رَخَّصَ دَخَلَ فِي رُخْصَتِهِ الرِّجَالُ وَالنِّسَاءُ.

وَقَالَ بَعْضُهُمْ: إِنَّمَا كُرِهَ زِيَارَةُ الْقُبُورِ لِلنِّسَاءِ، لِقِلَّةِ صَبْرِهِنَّ وَكَثْرَةِ جَزَعِهِنَّ.

(المعجم ٦٢) - بَابُ مَا جَاءَ فِي الدَّفْنِ

بِاللَّيْلِ (التحفة ٦٣)

١٠٥٧ - حَدَّثَنَا أَبُو كُرَيْبٍ وَمُحَمَّدُ بْنُ عَمْرِو السَّوَّاقِ قَالَا: حَدَّثَنَا يَحْيَى بْنُ الْيَمَانِ عَنْ الْمُنْهَالِ بْنِ خَلِيفَةَ، عَنِ الْحَجَّاجِ بْنِ أَرْطَاةَ، عَنْ عَطَاءٍ، عَنِ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ دَخَلَ قَبْرًا لَيْلًا، فَأَسْرَجَ لَهُ سِرَاجًا، فَأَخَذَهُ مِنْ قَبْلِ الْقَبْلَةِ وَقَالَ: «رَحِمَكَ اللَّهُ إِنْ كُنْتَ لَأَوَّاهًا تَلَاءَ لِقُرْآنٍ وَكَبَّرَ عَلَيْهِ أَرْبَعًا».

[قَالَ:] وَفِي الْبَابِ عَنْ جَابِرٍ وَبَزِيدِ بْنِ ثَابِتٍ، وَهُوَ أَخُو زَيْدِ بْنِ ثَابِتٍ، أَكْبَرُ مَثَلِهِ.

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ، وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ إِلَى هَذَا. وَقَالَ: يُدْخَلُ الْمَيِّتُ الْقَبْرُ مِنْ قَبْلِ

direction of the *Qiblah* (with his head pointing towards it). Some of them say (he is brought in with his feet toward the *Qiblah*), and most of the people of knowledge permitted burial at night.

الْقِبْلَةِ. وَقَالَ بَعْضُهُمْ: يُسَلُّ سَلًا. وَرَخَّصَ أَكْثَرُ أَهْلِ الْعِلْمِ فِي الدَّفْنِ بِاللَّيْلِ.

تخريج: [إسناده ضعيف] وضعفه البيهقي، حجاج بن أرطاة: ضعيف مدلس، ورواه ابن ماجه، ح: ١٥٢٠ مختصرًا دون المرفوع اللفظي وهو حديث حسن * وفي الباب عن جابر [ابن ماجه، ح: ١٥٢١] ويزيد بن ثابت [ابن ماجه، ح: ١٥٢٨].

Comments:

Scholars have inferred from this narration that burial at nighttime is legal and making an arrangement of light near the grave is allowed. Most of the people of knowledge agree upon this issue. (*Ṣaḥīḥ Muslim/Nawawī* v.1 p.306.)

Chapter 63. What Has Been Related About Praise For The Deceased

1058. Anas bin Mālik narrated: "A funeral (procession) passed by the Messenger of Allāh ﷺ and they were praising him with good statements. So the Messenger of Allāh ﷺ said: 'Granted.' Then he said: 'You are Allāh's witnesses on the earth.'"^[1] (*Ṣaḥīḥ*)

He said: There are narrations on this topic from 'Umar, Ka'b bin 'Ujrah, and Abū Hurairah.

Abū 'Eīsā said: The *Ḥadīth* of Anas is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

(المعجم ٦٣) - بَابُ مَا جَاءَ فِي الثَّنَاءِ الْحَسَنِ عَلَى الْمَيِّتِ (التحفة ٦٤)

١٠٥٨ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: أَخْبَرَنَا حُمَيْدٌ عَنْ أَنَسِ بْنِ مَالِكٍ، قَالَ: مَرَّ عَلَى رَسُولِ اللَّهِ ﷺ بِجَنَازَةٍ فَأَثْنَوْا عَلَيْهَا خَيْرًا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «وَجِبَتْ» ثُمَّ قَالَ: «أَنْتُمْ شُهَدَاءُ اللَّهِ فِي الْأَرْضِ». قَالَ: وَفِي الْبَابِ عَنْ عُمَرَ وَكَعْبِ بْنِ عُجْرَةَ وَأَبِي هُرَيْرَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ أَنَسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: [صحيح] وأخرجه أحمد: ١٧٩/٣ من حديث حميد الطويل به وأخرجه البخاري، ح: ١٣٦٧ ومسلم، ح: ٩٤٩ من حديث أنس رضي الله عنه به * وفي الباب عن عمر [يأتي: ١٠٥٩] وكعب بن عجرة [الطبراني في الكبير: ١٥٦/١٩، ح: ٣٤٤٤] وأبي هريرة [أبو داود، ح: ٣٢٣٣].

Comments:

This narration gives us the information that if the pious people praise the deceased, it is an indication that the deceased too was a pious person. And the supplications of the pious for the deceased is accepted by Allāh by His grace and mercy.

^[1] See nos. 1028 and 1059.

1059. Abū Al-Aswad Ad-Dīlī narrated: “I arrived in Al-Madīnah and while I was sitting with ‘Umar bin Al-Khaṭṭāb they passed by with a funeral, over (a person) whom they were praising with good. ‘Umar said: ‘Granted.’ I said to ‘Umar: ‘What is granted?’ He said: ‘I said as the Messenger of Allāh ﷺ said: “There is no Muslim about whom three bear witness, except that he is granted Paradise.” He said: ‘We asked: “And two?” He said: “And two (as well).” He said: ‘We did not ask the Messenger of Allāh ﷺ about one.”’ (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. Abū Al-Aswad Ad-Dīlī’s name is Zālim bin ‘Amr bin Sufyān.

١٠٥٩ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى وَهَارُونُ ابْنُ عَبْدِ اللَّهِ الْبَزَّازُ قَالَا: حَدَّثَنَا أَبُو دَاوُدَ الطَّلَبِيُّ: حَدَّثَنَا دَاوُدُ بْنُ أَبِي الْفَرَاتِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ بُرَيْدَةَ عَنْ أَبِي الْأَسْوَدِ الدَّلِيلِيِّ، قَالَ: قَدِمْتُ الْمَدِينَةَ فَجَلَسْتُ إِلَى عُمَرَ بْنِ الْخَطَّابِ، فَمَرُّوا بِجَنَازَةٍ فَأَثْنَوْا عَلَيْهَا خَيْرًا. فَقَالَ عُمَرُ: وَجَبَتْ. فَقُلْتُ لِعُمَرَ: وَمَا وَجَبَتْ؟ قَالَ: أَقُولُ كَمَا قَالَ رَسُولُ اللَّهِ ﷺ. قَالَ: «مَا مِنْ مُسْلِمٍ يَشْهَدُ لَهُ ثَلَاثَةٌ إِلَّا وَجَبَتْ لَهُ الْجَنَّةُ» قَالَ: قُلْنَا: وَاثْنَانِ؟ قَالَ: وَاثْنَانِ. قَالَ: وَلَمْ نَسْأَلْ رَسُولَ اللَّهِ ﷺ عَنِ الْوَاحِدِ. قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَأَبُو الْأَسْوَدِ الدَّلِيلِيُّ اسْمُهُ ظَالِمٌ بْنُ عَمْرِو بْنِ سُفْيَانَ.

تخريج: وأخرجه البخاري، الجنائز، باب ثناء الناس على الميت، ح: ١٣٦٨ من حديث داود ابن أبي الفرات به.

Comments:

Before passing any verdict Allāh ﷻ has recommended and approved the witness of two pious persons. It means that the verdict can be made on the basis of two witnesses. Similarly, when two Muslims say good remarks about the deceased, their witness is approved before Allāh. ﷻ Good people always stand witness to good people.

Chapter: 64. What Has Been Related About The Rewards For One Whose Child Dies Before Him

1060. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Any Muslim who has lost three of his children will not be touched by the Fire, except for what will fulfill the oath.”^[1] (*Ṣaḥīḥ*)

(المعجم ٦٤) - بَابُ مَا جَاءَ فِي ثَوَابِ مَنْ قَدَّمَ وَلَدًا (التحفة ٦٥)

١٠٦٠ - حَدَّثَنَا قُتَيْبَةُ عَنْ مَالِكِ بْنِ أَنَسٍ؛ ح: وَحَدَّثَنَا الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنٌ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنِ ابْنِ شَهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ

^[1] Meaning “Allāh’s oath” referring to what is mentioned in *Ṣūrat Maryam* 19:71.

There are narrations on this topic from 'Umar, Mu'adh, Ka'b bin Mālik, 'Utbah bin 'Abd, Umm Sulaim, Jābir, Anas, Abū Dharr, Ibn Mas'ūd, Abū Tha'labah Al-Ashja'i, Ibn 'Abbās, 'Uqbah bin 'Āmir, Abū Sa'eed, and Qurrah bin Iyās Al-Muzani.

(He said:) Abū Tha'labah (Al-Ashja'i) has one *Hadīth* from the Prophet ﷺ, that is, this *Hadīth*. He is not (Abū Tha'labah) Al-Khushanī.

Abū 'Eīsā said: The *Hadīth* of Abū Hurairah is a *Hasan Ṣaḥīḥ Hadīth*.

قَالَ: «لَا يَمُوتُ لِأَحَدٍ مِنَ الْمُسْلِمِينَ ثَلَاثَةٌ مِنَ الْوَلَدِ فَتَمَسَّهُ النَّارُ، إِلَّا تَجَلَّهَ الْقَسَمُ».

قَالَ: وَفِي الْبَابِ عَنْ عُمَرَ وَمُعَاذٍ وَكَعْبِ ابْنِ مَالِكٍ وَعُتْبَةَ بْنِ عَبْدِ وَأُمِّ سُلَيْمٍ وَجَابِرِ وَأَنْسٍ وَأَبِي ذَرٍّ وَابْنِ مَسْعُودٍ وَأَبِي ثَعْلَبَةَ الْأَشْجَعِيِّ وَابْنِ عَبَّاسٍ وَعُقْبَةَ بْنِ عَامِرٍ وَأَبِي سَعِيدٍ وَقُرَّةَ بْنِ إِيَّاسِ الْمَزْنِيِّ.

[قَالَ:] وَأَبُو ثَعْلَبَةَ [الْأَشْجَعِيُّ] لَهُ عَنْ النَّبِيِّ ﷺ حَدِيثٌ وَاحِدٌ، [هُوَ] هَذَا الْحَدِيثُ، وَلَيْسَ هُوَ بِالْخُشْنِيِّ.

قَالَ أَبُو عَيْسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه مسلم، البر والصلة، باب فضل من يموت له ولد فيحتسبه، ح: ٢٦٣٢ والخباري، ح: ٦٦٥٦ من حديث مالك به وهو في الموطأ: ٢٣٥/١ * وفي الباب عن عمر [ابن عدي في الكامل: ٢٧١٦/٧] ومعاذ [ابن ماجه، ح: ١٦٠٣] وكعب بن مالك [لم أجد] وعتبة بن عبد [ابن ماجه، ح: ١٦٠٤] وأم سليم [أحمد: ٤٣١/٦] والخباري في الأدب المفرد، ح: ١٤٩، وجابر [أحمد: ٣٠٦/٣] والخباري في الأدب المفرد، ح: ١٤٦، وأنس [الخباري، ح: ١٢٤٨] وأبي ذر [النسائي، ح: ١٨٧٥] وابن مسعود [يأتي: ١٠٦١] وأبي ثعلبة الأشجعي [أحمد: ٣٩٦/٦] وابن عباس [يأتي: ١٠٦٢] وعقبة بن عامر [أحمد: ١٤٤/٤] والخباري، ح: ١٠١، ومسلم، ح: ٢٦٣٣، وقرة بن إياس المزني [أحمد: ٣٥٠/٥] والنسائي، ح: ١٨٧١، ٢٠٩٠] وأبي سعيد.

Comments:

In this narration “except for what will fulfill the oath” means Allāh's Command in *Surat Maryam* Verse 71 “not one of you will pass over it.” Pass over it does not mean to enter Hell or going into the Fire, it only means to pass by it.

1061. 'Abdullāh bin Mas'ūd narrated that the Messenger of Allāh ﷺ said: “Whoever has three that precede him (in death) while they did not reach the age of puberty, then they will be a well-fortified fortress for him against the Fire.”

١٠٦١ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ الْجَهْضَمِيُّ: حَدَّثَنَا إِسْحَاقُ بْنُ يُونُسَ: حَدَّثَنَا الْعَوَّامُ بْنُ حَوْشَبٍ عَنْ أَبِي مُحَمَّدٍ مَوْلَى عُمَرَ بْنِ الْخَطَّابِ، عَنْ أَبِي عُيَيْدَةَ بْنِ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ: قَالَ:

Abū Dharr said: “Two preceded me (in death)” so he (ﷺ) said: “And two.” Ubayy bin Ka’b, the master reciter, said: “I was preceded by one” So he (ﷺ) said: “And one, but that is only at the first stroke of the calamity.”^[1] (*Da’if*)

Abū ‘Eisā said: This *Ḥadīth* is *Gharīb*, and Abū ‘Ubadah (the son of Ibn Mas’ūd, one of the narrators) did not hear from his father.

رَسُولُ اللَّهِ ﷺ: «مَنْ قَدَّمَ ثَلَاثَةً لَمْ يَبْلُغُوا
الْجَنَّةَ كَانُوا لَهُ حِصْنًا حَصِينًا مِنَ النَّارِ».

قَالَ أَبُو ذَرٍّ: قَدَّمْتُ اثْنَيْنِ. قَالَ:
«وَإِثْنَيْنِ». فَقَالَ أَبِي بْنُ كَعْبٍ سَيِّدُ الْقُرَاءِ:
قَدَّمْتُ وَاحِدًا؟ قَالَ: «وَوَاحِدًا، وَلَكِنْ إِنَّمَا
ذَاكَ عِنْدَ الصَّدْمَةِ الْأُولَى».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ. وَأَبُو
عُبَيْدَةَ لَمْ يَسْمَعْ مِنْ أَبِيهِ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، الجنائز، باب ماجاء في ثواب من أصيب بولده، ح: ١٦٠٦ عن نصر بن علي به * أبو محمد مجهول (تقريب) والسند منقطع.

Comments:

In this narration it has been mentioned that the children who die as minors will become protection from the Fire in the Hereafter for their parents. The reason is that parents love their children and they submit to the Will of Allāh ﷻ on their death and remain patient. The other reason is that the children are free from accountability due to their innocence. Patience of parents and innocence of children will be a means to Paradise.

1062. ‘Abdurabbih bin Bāriq Al-Ḥanafī said: “I heard my grandfather, the father of my mother, Simāk bin Al-Walid Al-Ḥanafī narrating, that he heard Ibn ‘Abbās narrating, that he heard the Messenger of Allāh ﷺ saying: “Whoever has two predecessors (in death) among my *Ummah*, then Allāh will admit them into Paradise.”

So ‘Āishah said to him: “What about one from your *Ummah* who has one predecessor?” He (ﷺ) said: “And whoever has one predecessor O *Muwaffaqqah*!”^[2] So she said: “What about one who

١٠٦٢ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ الْجَهْضَمِيُّ
وَأَبُو الْخَطَّابِ زِيَادُ بْنُ يَحْيَى الْبَصْرِيُّ قَالَا:
حَدَّثَنَا عَبْدُ رَبِّهِ بْنُ بَارِقٍ الْحَنْفِيُّ قَالَ: سَمِعْتُ
جَدِّي أَبَا أُمِّي سِمَاكَ بْنَ الْوَلِيدِ الْحَنْفِيَّ
يُحَدِّثُ أَنَّهُ سَمِعَ ابْنَ عَبَّاسٍ يُحَدِّثُ أَنَّهُ سَمِعَ
رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ كَانَ لَهُ فَرَطَانِ مِنْ
أُمَّتِي أَدْخَلَهُ اللَّهُ بِهِمَا الْجَنَّةَ».

فَقَالَتْ لَهُ عَائِشَةُ: فَمَنْ كَانَ لَهُ فَرَطٌ مِنْ
أُمَّتِكَ؟ قَالَ: «وَمَنْ كَانَ لَهُ فَرَطٌ، يَا مُوَفَّقَهُ»
قَالَتْ: فَمَنْ لَمْ يَكُنْ لَهُ فَرَطٌ مِنْ أُمَّتِكَ؟

^[1] See no. 987.

^[2] Meaning: “O you fortunate one.”

does not have a predecessor from your *Ummah*?” He said: “I am the predecessor for my *Ummah*; you will never suffer (in grief) for (the loss of) anyone similar to me.” (*Hasan*)

Abū ‘Eīsā said: This *Hadīth* is *Hasan Gharīb*, we do not know of it except as a narration of ‘Abdu Rabbih bin Bāriq, and more than one of the *A’immah* have reported from him.

(Another route from) ‘Abdu Rabbih bin Bāriq, and he mentioned similarly.

And Simāk bin Al-Walīd Al-Ḥanafī, is Abū Zumail Al-Ḥanafī.

تخريج: [إسناده حسن] وأخرجه أحمد: ٣٣٤/١ من حديث عبد ربه به وللحديث شواهد.

Comments:

“*Farat*” means the person who goes first and makes suitable arrangement for the person arriving later, and a minor child who dies is a *Farat*. The child takes the parents to Paradise. The Prophet is a *Farat* for every individual of his *Ummah* because every Muslim loves him more than his own life. As a minor will not be worried about himself but for his parents, in the same way the Prophet ﷺ will be anxious for every Muslim to be admitted to Paradise.

Chapter 65. What Has Been Related About Who The Martyrs Are

1063. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “The martyrs are five: Those who die of the plague, stomach illness,^[1] drowning, being crushed,^[2] and the martyr in the cause of Allāh.” (*Ṣaḥīḥ*)

(He said:) There are narrations on

قَالَ: «فَأَنَا فَرَطُ أُمَّتِي، لَنْ يُصَابُوا بِمِثْلِي».
قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ، لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ عَبْدِ رَبِّهِ بْنِ بَارِقٍ، وَقَدْ رَوَى عَنْهُ غَيْرُ وَاحِدٍ مِنَ الْأَئِمَّةِ.
حَدَّثَنَا أَحْمَدُ بْنُ سَعِيدٍ الْمُرَاطِيُّ: حَدَّثَنَا حَبَّانُ بْنُ هَلَالٍ: أَتَيْنَا عَبْدَ رَبِّهِ بْنِ بَارِقٍ، فَذَكَرَ بَنَحْوِهِ. وَسَمَّاكَ بْنُ الْوَلِيدِ الْحَنْفِيُّ، هُوَ أَبُو زُمَيْلٍ الْحَنْفِيُّ.

(المعجم ٦٥) - بَابُ مَا جَاءَ فِي

الشَّهَدَاءِ مِنْهُمْ (التحفة ٦٦)

١٠٦٣ - حَدَّثَنَا الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُ: حَدَّثَنَا مَالِكٌ، ح: وَحَدَّثَنَا قُتَيْبَةُ عَنْ مَالِكٍ، عَنْ سُمَيٍّ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الشَّهَدَاءُ خَمْسٌ: الْمَطْعُونُ وَالْمَبْطُونُ وَالْغَرَقُ وَصَاحِبُ الْهَذْمِ وَالشَّهِيدُ فِي سَبِيلِ اللَّهِ».

[1] “The one who dies from an illness of the stomach like dropsy, etc. Al-Qurtubī said: ‘By “stomach” what is meant is dropsy or diarrhea according to the two views of the scholars.’” *Tuḥfat Al-Aḥwadhī*.

[2] “The one who dies under a collapse.” *Tuḥfat Al-Aḥwadhī*.

this topic from Anas, Ṣafwān bin Umayyah, Jābir bin ‘Atik, Khālīd bin ‘Urfuṭah, Sulaimān bin Ṣurad, Abū Mūsā, and ‘Āishah.

Abū ‘Eīsā said: The *Hadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Hadīth*.

[قَالَ:] وَفِي الْبَابِ عَنْ أَنَسٍ وَصَفْوَانَ بْنِ أُمَيَّةَ وَجَابِرِ بْنِ عَتِيكٍ وَخَالِدِ بْنِ عَرْفُطَةَ وَسُلَيْمَانَ بْنِ صُرَدٍ وَأَبِي مُوسَى وَعَائِشَةَ.
قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه البخاري، الأذان، باب فضل التهجير إلى الظهر، ح: ٦٥٣ عن قتبية ومسلم، ح: ١٩١٤ من حديث مالك به وهو في الموطأ: ١/١٣١ (يحيى) * وفي الباب عن أنس [أخرجه البخاري، ح: ٢٨٣٠ ومسلم، ح: ١٩١٦] وصفوان بن أمية [النسائي، ح: ٢٠٥٦] وجابر بن عتيك [أبو داود، ح: ٣١١١ ومالك في الموطأ: ١/٢٣٣ والنسائي، ح: ١٨٤٧] وخالد بن عرفطة [يأتي: ١٠٦٤] وسليمان بن صرد [يأتي: ١٠٦٤] وأبي موسى [أحمد: ٤/٣٩٥] وعائشة [البخاري، ح: ٦٦١٩].

Comments:

A real martyr is one who is martyred in the battlefield fighting for the cause of Allāh ﷻ, and those who have been included in the category of martyrs in this narration are due to their reward.

1064. Abū Ishāq Aṣ-Ṣabī‘ī said: “Sulaimān bin Ṣurad said to Khālīd bin ‘Urfuṭah – or, Khālīd said to Sulaimān – ‘Did you hear the Messenger of Allāh ﷻ saying: “Whoever is killed by his stomach then he will not be punished in the grave.”?’ One of them said to the other: “Yes.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Hadīth* on this topic is *Ḥasan Gharīb*, and it has been reported through routes other than this.

١٠٦٤ - حَدَّثَنَا عُبَيْدُ بْنُ أَشْبَاطٍ بْنُ مُحَمَّدٍ الْقُرَشِيُّ الْكُوفِيُّ: حَدَّثَنَا أَبِي: حَدَّثَنَا أَبُو سِنَانٍ السَّيْبَانِيُّ عَنْ أَبِي إِسْحَاقَ السَّيِّعِيِّ، قَالَ: قَالَ سُلَيْمَانُ بْنُ صُرَدٍ لِيَخَالِدِ بْنِ عَرْفُطَةَ - أَوْ خَالِدٍ لِسُلَيْمَانَ -: أَمَا سَمِعْتَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ قَتَلَهُ بَطْنُهُ لَمْ يُعَذَّبْ فِي قَبْرِهِ»؟ فَقَالَ أَحَدُهُمَا لِصَاحِبِهِ: نَعَمْ.
قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ فِي هَذَا الْبَابِ، وَقَدْ رُوِيَ مِنْ غَيْرِ هَذَا الْوَجْهِ.

تخريج: [صحيح] وأخرجه النسائي: ٤/١٩٨، ح: ٢٠٥٤ من طريق آخر عن سليمان وخالد

به وسنده صحيح.

Comments:

Some of the scholars have described this to mean dying by internal illness, like diseases of stomach, liver and heart, etc. because all of these are inside the body. The Arabic word ‘*Baṭn*’ means internal and not only stomach. A person dying with internal disease suffers and bears the pangs of pain and

lives in the state of fear and hope. In this situation he is patient with Allāh's Will and asks His blessings and forgiveness. Allāh's mercy saves him from the torment of the grave.

Chapter 66. What Has Been Related About It Being Disliked To Flee From The Plague

1065. Usāmah bin Zaid narrated that the Prophet ﷺ mentioned the plague and said: "It is an abiding punishment or chastisement that was sent upon a group of the children of Isrā'īl. So when it occurs in a land while you are in it, then do not leave it. And when it occurs in a land while you are not in it, then do not enter it." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Sa'd, Khuzaimah bin Thābit, 'Abdur-Raḥmān bin 'Awf, Jabir, and 'Āishah.

Abū 'Eisā said: The *Ḥadīth* of Usāmah bin Zaid is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

(المعجم ٦٦) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ
الْفِرَارِ مِنَ الطَّاعُونِ (التحفة ٦٧)

١٠٦٥ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ عَامِرِ بْنِ سَعْدٍ، عَنْ أُسَامَةَ بْنِ زَيْدٍ: أَنَّ النَّبِيَّ ﷺ ذَكَرَ الطَّاعُونَ فَقَالَ: «بَقِيَّةٌ رَجَزٍ أَوْ عَذَابٍ أُرْسِلَ عَلَى طَائِفَةٍ مِنْ بَنِي إِسْرَائِيلَ، فَإِذَا وَقَعَ بِأَرْضٍ وَأَنْتُمْ بِهَا فَلَا تَخْرُجُوا مِنْهَا، وَإِذَا وَقَعَ بِأَرْضٍ وَلَسْتُمْ بِهَا فَلَا تَهْبِطُوا عَلَيْهَا».

[قَالَ:] وَفِي الْبَابِ عَنْ سَعْدٍ وَخُزَيْمَةَ بْنِ ثَابِتٍ وَعَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ وَجَابِرٍ وَعَائِشَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ أُسَامَةَ بْنِ زَيْدٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه مسلم، السلام، باب الطاعون والطيرة والكهانة ونحوها، ح: ٩٥/٢٢١٨ عن قتيبة والبخاري، ح: ٦٩٧٤ من حديث عامر بن سعد به * وفي الباب عن سعد (ابن أبي وقاص) [معاني الآثار: ٣٠٥/٤] وخزيمة بن ثابت [مسلم، ح: ٩٧/٢٢١٨] وعبدالرحمن ابن عوف [البخاري، ح: ٥٧٣٠ ومسلم، ح: ٢٢١٩] وجابر [أحمد: ٣/٣٢٤] وعائشة [البخاري، ح: ٦٦١٩].

Comments:

In this narration "Banū Isrā'īl" means that group of Isrā'īl to whom Allāh ﷻ had ordered "and enter the gate prostrating" but they entered the gate on their buttocks and "the transgressors changed the word from that which had been given to them; so we sent on the transgressors a plague from the heaven" (*Tuḥfat Al-Aḥwadhī* v. 2. p. 160.)

Chapter 67. What Has Been Related About: Whoever Loves To Meet Allāh, Then Allāh Loves To Meet Him

1066. ‘Ubādah bin Aṣ-Ṣāmiṭ narrated that the Prophet ﷺ said: “Whoever loves to meet Allāh, then Allāh loves to meet him. And whoever dislikes meeting Allāh, then Allāh dislikes meeting him.” (Ṣaḥīḥ)

There are narrations on this topic from Abū Mūsā, Abū Hurairah, and ‘Āishah.

Abū ‘Eīsā said: The *Hadīth* of ‘Ubādah bin Aṣ-Ṣāmiṭ is a *Ḥasan Ṣaḥīḥ Hadīth*.

(المعجم ٦٧) - بَابُ مَا جَاءَ فِيمَنْ أَحَبَّ لِقَاءَ اللَّهِ أَحَبَّ اللَّهُ لِقَاءَهُ (التحفة ٦٨)

١٠٦٦ - حَدَّثَنَا أَحْمَدُ بْنُ الْمُقْدَامِ، أَبُو الْأَسْعَثِ الْعِجْلِيُّ: حَدَّثَنَا الْمُعْتَمِرُ بْنُ سُلَيْمَانَ قَالَ: سَمِعْتُ أَبِي يُحَدِّثُ عَنْ قَتَادَةَ، عَنْ أَنَسٍ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَحَبَّ لِقَاءَ اللَّهِ أَحَبَّ اللَّهُ لِقَاءَهُ، وَمَنْ كَرِهَ لِقَاءَ اللَّهِ كَرِهَ اللَّهُ لِقَاءَهُ».

وَفِي الْبَابِ عَنْ أَبِي مُوسَى وَأَبِي هُرَيْرَةَ وَعَائِشَةَ.

قَالَ أَبُو عِيسَى: حَدِيثُ عُبَادَةَ بْنِ الصَّامِتِ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه البخاري، الرقاق، باب من أحب لقاء الله أحب الله لقاءه، ح: ٦٥٠٧ ومسلم، ح: ٢٦٨٣ من حديث قتادة به ورواه النسائي، ح: ١٨٣٨ عن أحمد بن المقدم به * وفي الباب عن أبي موسى [البخاري، ح: ٦٥٠٨ ومسلم، ح: ٢٦٨٦] وأبي هريرة [البخاري، ح: ٧٥٠٤ ومسلم، ح: ٢٦٨٥] وعائشة [يأتي: ١٠٦٧].

1067. Sa’d bin Hishām narrated that ‘Āishah mentioned that the Messenger of Allāh ﷺ said: “Whoever loves to meet Allāh, then Allāh loves to meet him. And whoever dislikes meeting Allāh, then Allāh dislikes meeting him.” She said: “O Messenger of Allāh! All of us dislike death.” He said: “It is not like that. But when the believer is given the good news of Allāh’s mercy, His pleasure, and His Paradise, then he loves to meet Allāh and Allāh loves to meet him. Whereas when the disbeliever is given the news of Allāh’s punishment and

١٠٦٧ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ: حَدَّثَنَا سَعِيدُ بْنُ أَبِي عَرُوبَةَ؛ ح: وَحَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: وَحَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنْ [زُرَّارَةَ بْنِ أَوْفَى]، عَنْ سَعْدِ بْنِ هِشَامٍ، عَنْ عَائِشَةَ أَنَّهَا ذَكَرَتْ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ أَحَبَّ لِقَاءَ اللَّهِ أَحَبَّ اللَّهُ لِقَاءَهُ، وَمَنْ كَرِهَ لِقَاءَ اللَّهِ كَرِهَ اللَّهُ لِقَاءَهُ»، قَالَتْ: فَقُلْتُ: يَا رَسُولَ اللَّهِ! كُلُّنَا يَكْرَهُ الْمَوْتَ. قَالَ: «لَيْسَ كَذَلِكَ، وَلَكِنَّ الْمُؤْمِنَ إِذَا بُشِّرَ بِرَحْمَةِ اللَّهِ وَرِضْوَانِهِ وَجَنَّتِهِ، أَحَبَّ لِقَاءَ اللَّهِ، وَأَحَبَّ

His wrath, he dislikes meeting Allāh, and Allāh dislikes meeting him.” (Ṣaḥīḥ)

Abū ‘Eīsā said: This Ḥadīth is Ḥasan Ṣaḥīḥ.

تخريج: وأخرجه مسلم، الذكر الدعاء، باب من أحب لقاء الله، أحب الله لقاءه... إلخ، ح: ٢٦٨٤ عن محمد بن بشار به.

Comments:

It is proven from this narration that liking and disliking to meet Allāh ﷻ depends not only on the normal lifestyle, but also on the state of mind at the time of the last breath when good news of mercy of Allāh ﷻ or bad news of punishment is conveyed.

Chapter 68. What Has Been Related About: The Funeral Prayer Is Not Performed For A Person Who Killed Himself

1068. Jābir bin Samurah narrated: “A man killed himself, so the Prophet ﷺ did not perform Ṣalāt over him.” (Ṣaḥīḥ)

Abū ‘Eīsā said: This Ḥadīth is Ḥasan (Ṣaḥīḥ), and the people of knowledge differ about this. Some of them said funeral prayer should be performed on every person who prayed towards the Qiblah, as well as the one who killed himself. This is the view of Sufyān Ath-Thawrī and Ishāq.

Aḥmad said that the Imām is not to pray over the one who killed himself, but those besides the Imām may pray over him.

الله لِقَاءَهُ، وَإِنَّ الْكَافِرَ إِذَا بُشِّرَ بِعَذَابِ اللهِ وَسَخَطِهِ كَرِهَ لِقَاءَ اللهِ وَكَرِهَ اللهُ لِقَاءَهُ. قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

(المعجم ٦٨) - بَابُ مَا جَاءَ فِيْمَنْ يُقْتَلُ نَفْسَهُ لَمْ يُصَلَّ عَلَيْهِ (التحفة ٦٩)

١٠٦٨ - حَدَّثَنَا يُوسُفُ بْنُ عِيسَى: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا إِسْرَائِيلُ وَشَرِيكٌ عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ جَابِرِ بْنِ سَمُرَةَ: أَنَّ رَجُلًا قَتَلَ نَفْسَهُ، فَلَمْ يُصَلَّ عَلَيْهِ النَّبِيُّ ﷺ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ [صَحِيحٌ]، وَقَدْ اخْتَلَفَ أَهْلُ الْعِلْمِ فِي هَذَا، فَقَالَ بَعْضُهُمْ: يُصَلَّى عَلَى كُلِّ مَنْ صَلَّى لِلْقَبْلَةِ، وَعَلَى قَاتِلِ النَّفْسِ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَإِسْحَاقَ.

وَقَالَ أَحْمَدُ: لَا يُصَلَّى الْإِمَامُ عَلَى قَاتِلِ النَّفْسِ، وَيُصَلَّى عَلَيْهِ غَيْرُ الْإِمَامِ.

تخريج: وأخرجه مسلم، الجنائز، باب ترك الصلاة على القاتل نفسه، ح: ٩٧٨ من حديث سماك به ورواه أحمد: ١٠٢/٥، ١٠٧ عن وكيع به.

Comments:

Committing suicide is prohibited in Islam. Respected scholars should not participate in the funeral and burial rituals of a person who committed suicide. Such a base and unlawful action should be discouraged by all the society and especially by the elites.

Chapter 69. What Has Been Related About (Prayer Over) The Indebted

1069. ‘Abdullāh bin Abī Qatādah narrated from his father that the Prophet ﷺ was brought a (deceased) man to perform *Ṣalāt* over. So the Prophet ﷺ said: “Pray for your companion; for indeed he had a debt upon him.” Abū Qatādah said: “It shall be upon me.” So the Messenger of Allāh ﷺ said: “To pay it off?” (He said: “To pay it off.”) So he performed the prayer for him. (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Jābir, Salamah bin Al-Akwa’, and Asmā’ bint Yazīd.

Abū ‘Eisā said: The *Ḥadīth* of Abū Qatādah is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

(المعجم ٦٩) - بَابُ مَا جَاءَ فِي

[الصَّلَاةِ عَلَى] الْمَذْيُونِ (التحفة ٧٠)

١٠٦٩ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ: حَدَّثَنَا شُعْبَةُ عَنْ عُثْمَانَ بْنِ عَبْدِ اللَّهِ ابْنِ مَوْهَبٍ قَالَ: سَمِعْتُ عَبْدَ اللَّهِ بْنَ أَبِي قَتَادَةَ يُحَدِّثُ عَنْ أَبِيهِ أَنَّ النَّبِيَّ ﷺ أَتَى بِرَجُلٍ لِيُصَلِّيَ عَلَيْهِ. فَقَالَ النَّبِيُّ ﷺ: «صَلُّوا عَلَى صَاحِبِكُمْ، فَإِنَّ عَلَيْهِ دَيْنًا».

قَالَ أَبُو قَتَادَةَ: هُوَ عَلِيٌّ.

فَقَالَ رَسُولُ اللَّهِ ﷺ: «بِالْوَفَاءِ؟» قَالَ: بِالْوَفَاءِ. فَصَلَّى عَلَيْهِ.

[قَالَ:] وَفِي الْبَابِ عَنْ جَابِرٍ وَسَلَمَةَ بْنِ الْأَكْوَعِ وَأَسْمَاءَ بِنْتِ يَزِيدَ.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي قَتَادَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: [إسناده صحيح] وأخرجه النسائي: ٦٥/٤، ح: ١٩٦٢ (الجنائز، باب الصلاة على من عليه دين) عن محمد بن غيلان به وصححه ابن حبان، ح: ١١٥٧ * وفي الباب عن جابر [أبو داود، ح: ٣٣٤٣] وسلمة بن الأكوع [البخاري، ح: ٢٢٨٩] وأسماء بنت يزيد [الطبراني في الكبير: ٢٤/١٨٤، ١٨٥، ح: ٤٦٦].

Comments:

It is clear from this narration that the responsibility of the debt of the deceased can be taken by someone who wants to pay it off on his behalf.

1070. Abū Hurairah narrated: “A deceased man would be brought to the Messenger of Allāh ﷺ while a debt was due upon him. So he would say: ‘Has he left anything to pay off his debt?’ If he was told that he had left something to pay it then he would pray (the funeral prayer) for him. Otherwise he

١٠٧٠ - حَدَّثَنَا أَبُو الْفَضْلِ مَكْتُومُ بْنُ الْعَبَّاسِ [التِّرْمِذِيُّ] قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ صَالِحٍ، [قَالَ:] حَدَّثَنِي اللَّيْثُ [قَالَ:] حَدَّثَنِي عُقَيْلٌ عَنْ ابْنِ شِهَابٍ [قَالَ:] أَخْبَرَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يُؤْتَى بِالرَّجُلِ الْمُتَوَفَّى،

would tell the Muslims: 'Pray for your companion.' So when Allāh granted him the victories, he stood and said: 'I am more worthy in the case of the believers than they themselves are. So whoever among the believers dies and leaves a debt behind, then it is up to me to fulfill it. And whoever leaves wealth behind, then it is for his heirs.'" (Ṣaḥīḥ)

Abū 'Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. Yaḥya bin Bukair and others have reported it from Al-Laith bin Sa'd [similarly to the narration of 'Abdullāh bin Ṣāliḥ (a narrator in the chain of this *Ḥadīth*)].

تخريج: متفق عليه، وأخرجه البخاري، النفقات، باب قول النبي ﷺ: "من ترك كلاً أو ضياعاً فإلي"، ح: ٥٣٧١ ومسلم، ح: ١٦١٩ من حديث الليث بن سعد به.

Comments:

As the Prophet ﷺ is kinder to every Muslim, more than his own self, so it is obligatory on every individual of the *Ummah* to follow him sincerely.

Chapter 70. What Has Been Related About The Punishment In The Grave

1071. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "When the deceased – or he said when one of you – is buried, two angels, black and blue (eyed) come to him. One of them is called Al-Munkar, and the other An-Nakīr. They say: 'What did you used to say about this man?' So he says what he was saying (before death) 'He is Allāh's slave and His Messenger. I testify that none has the right to be worshipped but

عَلَيْهِ الدِّينُ، فَيَقُولُ: «هَلْ تَرَكَ لِدِينِهِ مِنْ قَضَاءٍ؟» فَإِنْ حَدَّثَ أَنَّهُ تَرَكَ وَفَاءً صَلَّى عَلَيْهِ. وَإِلَّا قَالَ لِلْمُسْلِمِينَ: «صَلُّوا عَلَيَّ صَاحِبِكُمْ».

فَلَمَّا فَتَحَ اللَّهُ عَلَيْهِ الْقُتُوحَ قَامَ فَقَالَ: «أَنَا أَوْلَى بِالْمُؤْمِنِينَ مِنْ أَنْفُسِهِمْ، فَمَنْ تُؤْفِي مِنْ الْمُؤْمِنِينَ وَتَرَكَ دَيْنًا، فَعَلَيَّ قَضَاؤُهُ، وَمَنْ تَرَكَ مَا لَا فَهْوَ لَوَرَثَتِهِ».

قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، وَقَدْ رَوَاهُ يَحْيَى بْنُ بُكَيْرٍ وَغَيْرُ وَاحِدٍ عَنِ اللَّيْثِ ابْنِ سَعْدٍ [نَحْوَ حَدِيثِ عَبْدِ اللَّهِ بْنِ صَالِحٍ].

(المعجم ٧٠) - بَابُ مَا جَاءَ فِي عَذَابِ الْقَبْرِ (التحفة ٧١)

١٠٧١ - حَدَّثَنَا أَبُو سَلَمَةَ يَحْيَى بْنُ خَلْفٍ الْبَصْرِيُّ: حَدَّثَنَا بِشْرُ بْنُ الْمُفَضَّلِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ إِسْحَاقَ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا قُبِرَ الْمَيِّتُ - أَوْ قَالَ: أَخَذَكُمْ - أَنَا هُ مَلَكَانِ أَسْوَدَانِ أَرْزَقَانِ، يُقَالُ لِأَحَدِهِمَا الْمُنْكَرُ وَالْآخَرُ النَّكِيرُ. فَيَقُولَانِ: مَا كُنْتَ تَقُولُ فِي هَذَا الرَّجُلِ؟ فَيَقُولُ مَا كَانَ يَقُولُ: هُوَ عَبْدُ اللَّهِ وَرَسُولُهُ. أَشْهَدُ أَنْ لَا إِلَهَ

Allāh and that Muḥammad is His slave and His Messenger.’ So they say: ‘We knew that you would say this.’ Then his grave is expanded to seventy by seventy cubits, then it is illuminated for him. Then it is said to him: ‘Sleep.’ So he says: ‘Can I return to my family to inform them?’ They say: ‘Sleep as a newlywed, whom none awakens but the dearest of his family.’ Until Allāh resurrects him from his resting place.”

“If he was a hypocrite he would say: ‘I heard people saying something, so I said the same; I do not know.’ So they say: ‘We knew you would say that.’ So the earth is told: ‘Constrict him.’ So it constricts around him, squeezing his ribs together. He continues being punished like that until Allāh resurrects him from his resting place.” (*Hasan*)

There are narrations on this topic from ‘Alī, Zaid bin Thābit, Ibn ‘Abbās, Al-Barā’ bin ‘Āzib, Abū Ayyūb, Anas, Jābir, ‘Āishah, and Abū Sa‘eed. All of them reported something from the Prophet ﷺ about the punishment in the grave.

Abū ‘Eisā said: This *Ḥadīth* of Abū Hurairah is a *Ḥasan Gharīb Ḥadīth*.

تخريج: [إسناده حسن] وأخرجه البيهقي في إثبات عذاب القبر، ح: ٥٥، ٥٤ (بتحقيقي) من حديث عبدالرحمن بن إسحاق المدني به وصححه ابن حبان (الإحسان): ٣١٠٧ * وفي الباب عن علي (يأتي: ٣٥٢٠) وزيد بن ثابت [مسلم، ح: ٢٨٦٧] وابن عباس [تقدم: ٧٠] والبراء بن عازب [البخاري، ح: ١٣٦٩] ومسلم، ح: ٢٨٧١] وأبي أيوب [مسلم، ح: ٢٨٦٩] وأنس [البخاري، ح: ١٣٧٤] ومسلم، ح: ٢٨٦٨] وجابر [البخاري في الأدب المفرد، ح: ٧٣٥] وعائشة [البخاري، ح: ١٣٧١، ١٣٧٢] ومسلم، ح: ٩٣٢] وأبي سعيد [أحمد: ٣٨/٣] والبيهقي في إثبات عذاب القبر، ح: ٥٧].

إِلَّا اللَّهَ وَأَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ. فَيَقُولَانِ: قَدْ كُنَّا نَعْلَمُ أَنَّكَ تَقُولُ هَذَا، ثُمَّ يُفْسَحُ لَهُ فِي قَبْرِهِ سَبْعُونَ ذِرَاعًا فِي سَبْعِينَ، ثُمَّ يُنَوَّرُ لَهُ فِيهِ، ثُمَّ يُقَالُ لَهُ: نَمْ، فَيَقُولُ: أَرْجِعْ إِلَى أَهْلِي فَأُخْبِرْهُمْ؟ فَيَقُولَانِ: نَمْ كَنَوْمَةِ الْعُرُوسِ الَّذِي لَا يُوقِظُهُ إِلَّا أَحَبُّ أَهْلِهِ إِلَيْهِ، حَتَّى يَبْعَثَهُ اللَّهُ مِنْ مَضْجَعِهِ ذَلِكَ.”

«وَإِنْ كَانَ مُنَافِقًا قَالَ: سَمِعْتُ النَّاسَ يَقُولُونَ فَقُلْتُ مِثْلَهُ، لَا أَدْرِي. فَيَقُولَانِ: قَدْ كُنَّا نَعْلَمُ أَنَّكَ تَقُولُ ذَلِكَ، فَيُقَالُ لِلْأَرْضِ: انْتِصِي عَلَيْهِ، فَتَلْتَمِ عَلَيْهِ، فَتَخْتَلِفُ [فِيهَا] أَضْلَاعُهُ، فَلَا يَزَالُ فِيهَا مُعَذَّبًا حَتَّى يَبْعَثَهُ اللَّهُ مِنْ مَضْجَعِهِ ذَلِكَ.”

وَفِي الْبَابِ عَنْ عَلِيٍّ وَزَيْدِ بْنِ ثَابِتٍ وَابْنِ عَبَّاسٍ وَالْبَرَاءِ بْنِ عَازِبٍ وَأَبِي أَيُّوبَ وَأَنْسٍ وَجَابِرٍ وَعَائِشَةَ وَأَبِي سَعِيدٍ. كُلُّهُمْ رَوَوْا عَنْ النَّبِيِّ ﷺ فِي عَذَابِ الْقَبْرِ.
قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ غَرِيبٌ.

Comments:

If the deceased is a true Muslim it is obvious as he declared and testified to the Prophethood of Muḥammad ﷺ in this world, then Allāh ﷻ gives him help and guidance to testify to the Prophethood of Muḥammad ﷺ in the grave, and the angels will know the answer from his happy face.

1072. Ibn ‘Umar narrated that the Messenger of Allāh ﷺ said: “When a person dies, he is shown his place [both in the morning and the evening]. If he is one of the people of Paradise; he is shown his place among the people of Paradise, and if he is one of the people of the Fire; he is shown his place among the people of the Fire. Then it is said to him: ‘This is your place until Allāh resurrects you on the Day of Judgement.’” (*Ṣaḥīḥ*)

Abū ‘Eisā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

تخريج: متفق عليه، وأخرجه البخاري، الجنائز، باب الميت يعرض عليه مقعده بالغداة والعشي، ح: ١٣٧٩ ومسلم، ح: ٢٨٦٦ من حديث نافع به.

Chapter 71. What Has Been Related About: The Reward For One Who Consols A Person With An Affliction

1073. ‘Abdullāh narrated that the Prophet ﷺ said: “Whoever consoles a person with an affliction, then he gets the same reward as him.” (*Da‘īf*)

Abū ‘Eisā said: This *Ḥadīth* is *Gharīb*, we do not know of it being *Marfū‘* except through the narration of ‘Alī bin ‘Āsim. Some of them reported it in the same way from Muḥammad bin Sūqah with this chain, in *Mawqūf* form, not *Marfū‘*.

١٠٧٢ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا عَبْدُهُ عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا مَاتَ الْمَيِّتُ عُرِضَ عَلَيْهِ مَقْعَدُهُ [بِالْعَدَاةِ وَالْعَشِيِّ] فَإِنْ كَانَ مِنْ أَهْلِ الْجَنَّةِ، فَمِنْ أَهْلِ الْجَنَّةِ، وَإِنْ كَانَ مِنْ أَهْلِ النَّارِ، فَمِنْ أَهْلِ النَّارِ، ثُمَّ يُقَالُ: هَذَا مَقْعَدُكَ حَتَّى يَبْعَثَكَ اللَّهُ يَوْمَ الْقِيَامَةِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

(المعجم ٧١) - بَابُ مَا جَاءَ فِي أَجْرِ مَنْ عَزَّى مُصَابًا (التحفة ٧٢)

١٠٧٣ - حَدَّثَنَا يُونُسُ بْنُ عِيسَى: حَدَّثَنَا عَلِيُّ بْنُ عَاصِمٍ. قَالَ: حَدَّثَنَا وَاللهُ مُحَمَّدُ بْنُ سُوقَةَ عَنْ إِثْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ عَزَّى مُصَابًا فَلَهُ مِثْلُ أَجْرِهِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ، لَا نَعْرِفُهُ مَرْفُوعًا إِلَّا مِنْ حَدِيثِ عَلِيِّ بْنِ عَاصِمٍ.

They say that most of what ‘Alī bin ‘Āsim suffered of criticism from them was for this *Ḥadīth*.

وَرَوَى بَعْضُهُمْ عَنْ مُحَمَّدِ بْنِ سُوقَةَ، بِهَذَا
الْإِسْنَادِ، مِثْلَهُ مَوْقُوفًا، وَلَمْ يَرْفَعُهُ.
وَيُقَالُ: أَكْثَرُ مَا انْتَبَلَى بِهِ عَلِيُّ بْنُ عَاصِمٍ،
بِهَذَا الْحَدِيثِ، نَقَمُوا عَلَيْهِ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، الجنائز، باب ماجاء في ثواب من عزى مصابًا، ح: ١٦٠٢ من حديث علي بن عاصم به وقال البيهقي: "تفرد به علي بن عاصم وهو أحد ما أنكر عليه، وقد روي عن غيره" وله متابعات ضعيفة، انظر التلخيص الحبير: ١٣٨/٢، ٧٩٩ وغيره.

Comments:

Though this narration is weak, it is true that preaching and asking others to do good deeds brings reward for the preacher.

Chapter 72. What Has Been Related About One Who Died On Friday

(المعجم ٧٢) - بَابُ مَا جَاءَ فِيْمَنْ
يَمُوتُ يَوْمَ الْجُمُعَةِ (التحفة ٧٣)

1074. ‘Abdullāh bin ‘Amr narrated that the Messenger of Allāh ﷺ said: “No Muslim dies on the day of Friday, nor the night of Friday, except that Allāh protects him from the trials of the grave.” (*Ḥasan*)

Abū ‘Eisā said: This *Ḥadīth* is *Gharīb* (He said: This *Aḥādīth*) chain is not connected. Rabī‘ah bin Saif only reported from Abū ‘Abdur-Raḥmān Al-Ḥubulī, from ‘Abdullāh bin ‘Amr. We do not know of Rabī‘ah bin Saif hearing from ‘Abdullāh bin ‘Amr.

١٠٧٤ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا
عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ وَأَبُو عَامِرٍ الْعَقَدِيُّ
قَالَا: حَدَّثَنَا هِشَامُ بْنُ سَعْدٍ عَنْ سَعِيدِ بْنِ أَبِي
هِلَالٍ، عَنْ رَبِيعَةَ بْنِ سَيْفٍ، عَنْ عَبْدِ اللَّهِ بْنِ
عَمْرٍو، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا مِنْ
مُسْلِمٍ يَمُوتُ يَوْمَ الْجُمُعَةِ أَوْ لَيْلَةِ الْجُمُعَةِ إِلَّا
وَقَاهُ اللَّهُ فِتْنَةَ الْقَبْرِ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ، [قَالَ:
وَهَذَا حَدِيثٌ] لَيْسَ إِسْنَادُهُ بِمُتَّصِلٍ. رَبِيعَةُ بْنُ
سَيْفٍ إِنَّمَا يَرَوِي عَنْ أَبِي عَبْدِ الرَّحْمَنِ الْحُبُلِيِّ،
عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو. وَلَا نَعْرِفُ لِرَبِيعَةَ بْنِ
سَيْفٍ سَمَاعًا مِنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو.

تخريج: [حسن] وأخرجه أحمد: ١٦٩/٢ عن أبي عامر به وللحديث شواهد عند البيهقي في عذاب القبر، ح: ١٥٣ وغيره.

Comments:

This narration shows that Allāh ﷻ has aggrandized the status of some special periods of time in the ordinary flow of time (Time in the sense of hours and

days months and so on...). The day of Friday and the night of Friday is higher in status as compared to other days of the week. This status is given by Allāh Himself out of His mercy.

Chapter 73. What Has Been Related About Hastening The Funeral

1075. ‘Alī bin Abī Ṭālib narrated that the Messenger of Allāh ﷺ said to him: “O ‘Alī! Three are not to be delayed: *Ṣalāt* when it is due, the funeral when it is presented, and (marriage) for the single woman when someone compatible is found.” (*Ṣaḥīḥ*)

Abū ‘Eīsā said: This *Ḥadīth* is *Gharīb*, and I do not think that its chain is connected.

(المعجم ٧٣) - بَابُ مَا جَاءَ فِي تَعْجِيلِ الْجَنَازَةِ (التحفة ٧٤)

١٠٧٥ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهَبٍ عَنْ سَعِيدِ بْنِ عَبْدِ اللَّهِ الْجُهَنِيِّ، عَنْ مُحَمَّدِ بْنِ عُمَرَ بْنِ عَلِيٍّ بْنِ أَبِي طَالِبٍ، عَنْ أَبِيهِ، عَنْ عَلِيٍّ بْنِ أَبِي طَالِبٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ لَهُ: «يَا عَلِيُّ! ثَلَاثٌ لَا تُؤَخَّرُهَا: الصَّلَاةُ إِذَا آتَتْ، وَالْجَنَازَةُ إِذَا حَضَرَتْ، وَالْأَيِّمُ إِذَا وَجَدَتْ لَهَا كُفْرًا».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ، وَمَا أَرَى إِسْنَادَهُ مُتَّصِلًا.

تخریج: [صحیح] وأخرجه ابن ماجه، الجنائز، باب ماجاء في الجنابة لا تؤخر إذا حضرت ... إلخ، ح: ١٤٨٦ من حديث عبدالله بن وهب به وصححه الحاكم: ١٦٢/٢، ١٦٣، والذهبي وأصل الحديث شواهد * سعيد بن عبدالله وثقه العجلي وابن حبان وغيرهما ولا عبرة بمن جهله.

Comments:

This narration tells us that it is not proper to make any delay in doing virtuous deeds.

Chapter 74. Something Else About The Virtue Of Consoling

1076. Abū Barzah narrated that the Messenger of Allāh ﷺ said: “Whoever consoles a bereaved mother, he will be clothed with a *Burd*^[1] in Paradise.” (*Daʿīf*)

Abū ‘Eīsā said: This *Ḥadīth* is *Gharīb* and its chain is not strong.

(المعجم ٧٤) - بَابُ: آخِرُ فِي فَضْلِ التَّعْزِيَةِ (التحفة ٧٥)

١٠٧٦ - حَدَّثَنَا مُحَمَّدُ بْنُ حَاتِمٍ الْمُؤَدَّبُ: حَدَّثَنَا يُونُسُ بْنُ مُحَمَّدٍ [قَالَ:] حَدَّثَنَا أُمُّ الْأَسْوَدُ عَنْ مُمَيَّةَ ابْنَةِ عُبَيْدِ بْنِ أَبِي بَرْزَةَ، عَنْ جَدِّهَا أَبِي بَرْزَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ عَزَّى نِكْلَى، كُتِبَ بُرْدًا فِي الْجَنَّةِ».

[1] See nos. 859 and 996.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ وَلَيْسَ
إِسْنَادُهُ بِالْقَوِيِّ.

تخریج: [إسناده ضعيف] وأخرجه المزي في تهذيب الكمال: ٤٣٤/٢٢ من حديث يونس بن محمد به * منية: لا يعرف حالها (تقريب).

Comments:

Comforting and consoling an afflicted person and advising him to be patient, and to put his trust in Allāh ﷻ, are acts of great reward.

Chapter 75. What Has Been Related About Raising The Hands For The Funeral (Prayer)

1077. Abū Hurairah narrated: "The Messenger of Allāh ﷺ said, 'Allāhu Akbar' over the deceased, so he raised his hands with the first *Takbīr*, and he placed his right (hand) over his left." (*Daʿīf*)

Abū 'Eisā said: This *Hadīth* is *Gharīb*, we do not know of it except from this route.

The people of knowledge differ over this. Most of the people of knowledge among the Companions of the Prophet ﷺ and others held the view that the man is to raise his hands for every *Takbīr* for the funeral (prayer). This is the view of Ibn Al-Mubārak, Ash-Shāfi'i, Aḥmad, and Ishāq.

Some of the people of knowledge said that the hands are not to be raised except in the first *Takbīr*. This is the saying of Ath-Thawri and the people of Al-Kūfah.

It has been mentioned that Ibn Al-Mubārak said about the funeral prayer: "He does not put his right over his left."

(المعجم ٧٥) - بَابُ مَا جَاءَ فِي رَفْعِ
الْيَدَيْنِ عَلَى الْجَنَازَةِ (التحفة ٧٦)

١٠٧٧ - حَدَّثَنَا الْقَاسِمُ بْنُ دِينَارٍ
الْكُوفِيُّ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ أَبَانَ الْوَرَّاقُ عَنْ
يَحْيَى بْنِ يَعْلَى الْأَسْلَمِيِّ، عَنْ أَبِي قَرْوَةَ يَزِيدَ
ابْنِ سِنَانٍ، عَنْ زَيْدِ بْنِ أَبِي أَنَسَةَ، عَنْ
الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي
هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ كَبَّرَ عَلَى جَنَازَةٍ،
فَرَفَعَ يَدَيْهِ فِي أَوَّلِ تَكْبِيرَةٍ، وَوَضَعَ الْيُمْنَى
عَلَى الْيُسْرَى.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ لَا
نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوُجْهِ.

وَاخْتَلَفَ أَهْلُ الْعِلْمِ فِي هَذَا، فَرَأَى أَكْثَرُ
أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ،
أَنْ يَرْفَعَ الرَّجُلُ يَدَيْهِ، فِي كُلِّ تَكْبِيرَةٍ، عَلَى
الْجَنَازَةِ، وَهُوَ قَوْلُ ابْنِ الْمُبَارَكِ وَالشَّافِعِيِّ
وَأَحْمَدَ وَإِسْحَاقَ.

وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: لَا يَرْفَعُ يَدَيْهِ إِلَّا
فِي أَوَّلِ مَرَّةٍ. وَهُوَ قَوْلُ الثَّوْرِيِّ وَأَهْلِ
الْكُوفَةِ.

But some of the people of knowledge held the view that the right is put over the left just as it is for *Ṣalāt*.

Abū 'Eīsā said: Holding is better to me.

وَذَكَرَ عَنِ ابْنِ الْمُبَارَكِ أَنَّهُ قَالَ فِي الصَّلَاةِ عَلَى الْجَنَازَةِ: لَا يَقْبِضُ بِيَمِينِهِ عَلَى شِمَالِهِ.

وَرَأَى بَعْضُ أَهْلِ الْعِلْمِ أَنَّ يَقْبِضَ بِيَمِينِهِ عَلَى شِمَالِهِ كَمَا يَفْعَلُ فِي الصَّلَاةِ.

قَالَ أَبُو عِيسَى: يَقْبِضُ أَحَبُّ إِلَيَّ.

تخريج: [إسناده ضعيف] وأخرجه البيهقي: ٣٨/٤ من حديث إسماعيل الوراق به وتابعه الحسن بن حماد سجادة * يزيد بن سنان: ضعيف ويحيى بن يعلى: شعبي ضعيف (تقريب).

Comments:

Raising the hands on first *Takbīr* of funeral prayer is unanimously agreed upon. As for the rest of *Takbīrāt*, there is difference of opinion.

Chapter 76. What Has Been Related About: The Believer's Soul Is Suspended By His Debt Until It Is Settled For Him

(المعجم ٧٦) - بَابُ مَا جَاءَ أَنَّ نَفْسَ الْمُؤْمِنِ مُعَلَّقَةٌ بِدَيْنِهِ حَتَّى يُقْضَى عَنْهُ (التحفة ٧٧)

1078. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "The believer's soul is suspended by his debt until it is settled for him." (*Hasan*)

١٠٧٨ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو أُسَامَةَ عَنْ زَكَرِيَّا بْنِ أَبِي زَائِدَةَ، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «نَفْسُ الْمُؤْمِنِ مُعَلَّقَةٌ بِدَيْنِهِ حَتَّى يُقْضَى عَنْهُ».

تخريج: [حسن] وصححه الحاكم على شرط الشيخين: ٢٦/٢، ٢٧ ووافقه الذهبي * وللحديث لون آخر عند أحمد: ٥٠٨/٢ وانظر الحديث الآتي.

1079. (Another chain) Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "The believer's soul is suspended by his debt until it is settled for him." (*Hasan*)

١٠٧٩ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ عَنْ أَبِيهِ، عَنْ عُمَرَ بْنِ أَبِي سَلَمَةَ،

Abū 'Eīsā said: This *Hadīth* is *Hasan* and it is more correct than the first (no. 1078).

عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ
قَالَ: «نَفْسُ الْمُؤْمِنِ مُعَلَّقَةٌ بِدَيْنِهِ حَتَّى
يُقْضَى عَنْهُ».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ، وَهُوَ
أَصَحُّ مِنَ الْأَوَّلِ.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، الصدقات، باب التشديد في الدين، ح: ٢٤١٣
من حديث إبراهيم بن سعد به وحسنه البغوي وله طرق بعضها صححه ابن حبان، ح: ١١٥٨.

Comments:

As the debt is the right of people, so its payment is a must and everyone should try to pay it in his life time. This *Hadīth* exhorts the Muslims to help in the payment of debt of the deceased.

In the Name of Allāh,
the Merciful, the Beneficent

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

9. The Chapters (On Narrations Reported) On Marriage From The Messenger of Allāh ﷺ

(المعجم ٩) أَبْوَابُ النِّكَاحِ

عَنْ رَسُولِ اللَّهِ ﷺ (التحفة ٧)

Chapter 1. What Has Been Related About The Virtues Of Marriage And Encouraging It

(المعجم ١) - بَابُ مَا جَاءَ فِي فَضْلِ التَّزْوِيجِ وَالْحَثِّ عَلَيْهِ [التحفة ١]

1080. Abū Ayyūb narrated that the Messenger of Allāh ﷺ said: "Four are from the *Sunan* of the Messengers: *Al-Hayā*,^[1] using *ʿAṭar*,^[2] the *Siwāk*, and marriage." (*Daʿif*)

١٠٨٠ - حَدَّثَنَا سُفْيَانُ بْنُ وَكِيعٍ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ عَنِ الْحَجَّاجِ، عَنْ مَكْحُولٍ، عَنْ أَبِي الشَّامِلِ، عَنْ أَبِي أَيُّوبَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَرْبَعٌ مِنْ سُنَنِ الْمُرْسَلِينَ: الْحَيَاءُ وَالْتِّعْطُرُ وَالسَّوَاكُ وَالنِّكَاحُ».

(He said:) There are narrations on this topic from 'Uthmān, Thawbān, Ibn Mas'ūd, 'Āishah, 'Abdullāh bin 'Amr, (Abī Najīh), Jābir, and 'Akkāf.

(Abū 'Eisā said:) The *Ḥadīth* of Abū Ayyūb is a *Ḥasan Gharīb Ḥadīth*.

(Another chain) that is similar to the narration of Ḥafṣ. (a narrator in the chain of this *Ḥadīth*)

[قَالَ:] وَفِي الْبَابِ عَنْ عُثْمَانَ وَثَوْبَانَ وَابْنِ مَسْعُودٍ وَعَائِشَةَ وَعَبْدِ اللَّهِ بْنِ عَمْرٍو [وَأَبِي نَجِيحٍ] وَجَابِرٍ وَعَكَّافٍ.

(Abū 'Eisā said:) This *Ḥadīth* was reported by Hushaim, Muḥammad bin Yazīd Al-Wāsiṭī, Abū Mu'āwiyah, and others, from Al-Ḥajjāj, from Makḥūl, from Abū Ayyūb, and they did not mention "from Abū Ash-Shimāl" in it. (as Ḥafṣ bin Ghiyāth did).

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَبِي أَيُّوبَ حَدِيثٌ حَسَنٌ غَرِيبٌ.

حَدَّثَنَا مَحْمُودُ بْنُ خِدَاشٍ الْبَغْدَادِيُّ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَّامِ عَنِ الْحَجَّاجِ، عَنْ مَكْحُولٍ، عَنْ أَبِي الشَّامِلِ، عَنْ أَبِي أَيُّوبَ عَنِ النَّبِيِّ ﷺ، نَحْوَ حَدِيثِ حَفْصٍ.

The narration of Ḥafṣ bin Ghiyāth and 'Abbād bin Al-'Awwām (the previous chain) is more correct.

[1] Modesty, self-respect, bashfulness, honor etc.

[2] Fragrant oil or perfume.

[قَالَ أَبُو عِيسَى:] وَرَوَى هَذَا الْحَدِيثَ هُشَيْمٌ وَمُحَمَّدُ بْنُ يَزِيدَ الْوَاسِطِيُّ وَأَبُو مُعَاوِيَةَ وَغَيْرُ وَاحِدٍ عَنِ الْحَجَّاجِ، عَنْ مَكْحُولٍ، عَنْ أَبِي أَيُّوبَ وَلَمْ يَذْكُرُوا فِيهِ عَنْ أَبِي الشَّامِلِ. وَحَدِيثُ حَفْصِ بْنِ غِيَاثٍ وَعَبَّادِ بْنِ الْعَوَّامِ أَصَحُّ.

تخريج: [إسناده ضعيف] وأخرجه الطبراني: ١٨٣/٤، ١٨٤، ح: ٤٠٨٥ من حديث حفص بن غياث به * الحجاج هو ابن أرمطة: ضعيف مدلس، وأبو الشمال مجهول: وللحديث شواهد ضعيفة عند الطبراني والدولابي وغيرهما * وفي الباب عن عثمان [النسائي، ح: ٢٢٤٥ وأحمد: ١/٥٨] وثوبان [يأتي: ٣٠٩٤] وابن مسعود [يأتي: ١٠٨١] وعائشة [ابن ماجه، ح: ١٨٤٦] وعبدالله بن عمرو [أحمد: ١٥٦/٢، ١٥٨، ١٦٥، ١٨٨، ٢١٠] وأبي نجيح وجابر [يأتي: ١٢٥٣] وعكاف [الطبراني في الكبير: ٨٦/١٨، ح: ١٥٨] وله شاهد عند أحمد: ١٦٣/٥ * حديث محمد بن يزيد الواسطي، أخرجه أحمد: ٤٢١/٥.

Comments:

'Nikāh' means marriage or to merge. In the Qur'ān this word occurs with the meaning of 'Aqd a bond or contract of marriage. As 'Aqd or marriage is a cause of being husband and wife, so it has been used in the sense of making a relationship. Marriage is a *Sunnah* which Muslims are advised to follow.

1081. 'Abdullāh bin Mas'ūd narrated: "We went with Allāh's Messenger ﷺ, while we were young men who had nothing. He said: 'O young men! You should marry, for indeed it helps in lowering the gaze and protecting the private parts. Whoever among you is not able to marry, then let him fast, for indeed fasting will diminish his sexual desire.'" (*Ṣaḥīḥ*)

(Abū 'Eisā said:) This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

(Another chain) with similar narration.

(Abū 'Eisā said:) Others have reported this chain from Al-

١٠٨١ - حَدَّثَنَا مُحَمَّدُ بْنُ غِيلَانَ: حَدَّثَنَا أَبُو أَحْمَدَ [الرُّبَيْرِيُّ]: حَدَّثَنَا سُفْيَانُ عَنِ الْأَعْمَشِ، عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ: خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ وَنَحْنُ شَبَابٌ لَا تَقْدِرُ عَلَى شَيْءٍ. فَقَالَ: «يَا مَعْشَرَ الشَّبَابِ عَلَيْكُمْ بِالنَّبَاءَةِ، فَإِنَّهُ أَغْضُ لِلْبَصَرِ وَأَحْصَنُ لِلْفَرْجِ، فَمَنْ لَمْ يَسْتَطِعْ مِنْكُمْ النَّبَاءَةَ فَعَلَيْهِ بِالصَّوْمِ، فَإِنَّ الصَّوْمَ لَهُ وَجَاءٌ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

A'mash similarly. Abū Mu'āwiyah and Al-Muḥārībī reported similarly from Al-A'mash, from 'Alqamah, from 'Abdullāh, from the Prophet ﷺ.

(Abū 'Eisā said: Both of them are *Ṣaḥīḥ*).

حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ: حَدَّثَنَا الْأَعْمَشُ عَنْ عَمَارَةَ، نَحْوَهُ.

[قَالَ أَبُو عِيسَى:] وَقَدْ رَوَى غَيْرُ وَاحِدٍ عَنِ الْأَعْمَشِ بِهَذَا الْإِسْنَادِ، مِثْلَ هَذَا. وَرَوَى أَبُو مُعَاوِيَةَ وَالْمُحَارِبِيُّ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ، نَحْوَهُ.

[قَالَ أَبُو عِيسَى: كِلَاهُمَا صَحِيحٌ].

تخريج: متفق عليه، وأخرجه البخاري، النكاح، باب من لم يستطع الباءة فيصم، ح: ٥٠٦٦ ومسلم، ح: ١٤٠٠ من حديث الأعمش به.

Comments:

The Arabic word '*Al-Ba'ah*' means to make relationship and it is deducted from '*Maba'a*' which means to provide residence. Whoever marries a woman provides her residence. For the sake of making a relationship, it is necessary to marry and to take the responsibility of food and maintenance.

Chapter 2. What Has Been Related About The Prohibition of Celibacy

1082. Qatādah narrated from Al-Ḥasan, from Samurah that the Prophet ﷺ prohibited celibacy. (*Ṣaḥīḥ*)

(Abū 'Eisā said:) Zaid bin Akhzam added in his narration: "And Qatādah recited: And indeed We sent Messengers before you, and made for them wives and offspring."^[1]

(He said:) There are narrations on this topic from Sa'd, Anas bin Mālik, 'Āishah and Ibn 'Abbās.

(المعجم ٢) - بَابُ مَا جَاءَ فِي النَّهْيِ
عَنِ التَّبَتُّلِ (التحفة ٢)

١٠٨٢ - حَدَّثَنَا أَبُو هِشَامٍ الرَّفَاعِيُّ وَزَيْدُ بْنُ أَخْزَمٍ [الطَّائِيُّ] وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ [الصَّوَّافُ] الْبُصْرِيُّ، قَالُوا: حَدَّثَنَا مُعَاذُ بْنُ هِشَامٍ عَنْ أَبِيهِ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ سَمُرَةَ أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ التَّبَتُّلِ.

[قَالَ أَبُو عِيسَى:] وَزَادَ زَيْدُ بْنُ أَخْزَمَ فِي حَدِيثِهِ وَقَرَأَ قَتَادَةُ ﴿وَلَقَدْ أَرْسَلْنَا رُسُلًا مِنْ

^[1] *Ar-Ra'd* 13:38.

(Abū 'Eisā said:) The *Ḥadīth* of Samurah is a *Ḥasan Gharīb Ḥadīth*. Al-Ash'ath bin 'Abdul-Mālīk reported this *Ḥadīth* from Al-Ḥasan, from Sa'd bin Hishām, from 'Aishah, from the Prophet ﷺ and it is similar.

And it is said that both narrations are *Ṣaḥīḥ*.

قَبْلَكَ وَجَعَلْنَا لَهُمْ أَزْوَاجًا وَذُرِّيَّةً [الرعد: ٣٨].

[قَالَ:] وَفِي الْبَابِ عَنْ سَعْدِ وَأَنْسِ بْنِ مَالِكٍ وَعَائِشَةَ وَابْنِ عَبَّاسٍ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ سَمُرَةَ حَدِيثٌ حَسَنٌ غَرِيبٌ، وَرَوَى الْأَشْعَثُ بْنُ عَبْدِ الْمَلِكِ هَذَا الْحَدِيثَ عَنِ الْحَسَنِ، عَنْ سَعْدِ ابْنِ هِشَامٍ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ نَحْوَهُ. وَيُقَالُ: كِلَا الْحَدِيثَيْنِ صَحِيحٌ.

تخريج: [صحيح] وأخرجه ابن ماجه، النكاح، باب النهي عن التبتل، ح: ١٨٤٩ عن زيد بن أجزم به وله شواهد عند البخاري، ح: ٥٠٧٣ ومسلم، ح: ١٤٠٢ وغيرهما * وفي الباب عن سعد [يأتي: ١٠٨٣] وأنس بن مالك [البخاري، ح: ٥٠٦٣ ومسلم، ح: ١٤٠١ وأحمد: ١٥٨/٣، ٢٤٥] وعائشة [النسائي، ح: ٣٢١٥] وابن عباس [أبو داود، ح: ١٧٢٩ وأحمد: ٣١٢/١] * حديث الأشعث بن عبد الملك، أخرجه النسائي: ٥٩/٦، ح: ٣٢١٥.

1083. Sa'eed bin Al-Musayyab narrated from Sa'd bin Abī Waqqāṣ: "The Messenger of Allāh ﷺ refused 'Uthmān bin Ma'zūn (when he asked) regarding celibacy, and if he had permitted it for him, then we would have castrated ourselves." (*Ṣaḥīḥ*)

(Abū 'Eisā said:) This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

١٠٨٣ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ وَغَيْرُ وَاحِدٍ قَالُوا: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ سَعْدَ بْنَ أَبِي وَقَّاصٍ قَالَ: رَدَّ رَسُولُ اللَّهِ ﷺ عَلَى عُثْمَانَ بْنِ مَطْعُونٍ التَّبَتُّلَ، وَلَوْ أَدِنَ لَهُ لَاخْتَصَمْنَا.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه البخاري، النكاح، باب ما يكره من التبتل والخصاء، ح: ٥٠٧٣ من حديث الزهري به ومسلم، ح: ١٤٠٢ من حديث معمر به.

Comments:

Celibacy is not allowed in Islām. The Arabic word '*At-Tabbattul*' means to stay away from women. A woman who has no interest in men is called '*Batūl*' in the Arabic language. Fātimah was called *Batūl* because she was always busy in the remembrance of Allāh ﷻ.

Chapter 3. What Has Been Related About: If You Are Pleased With Someone's Religion Then Marry Him

1084. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "When someone whose religion and character you are pleased with proposes to (someone under the care) of one of you, then marry to him. If you do not do so, then there will be turmoil (*Fitnah*) in the land and abounding discord (*Fasād*)."^[1] (*Da'if*)

(He said:) There are narrations on this topic from Abū Ḥatīm Al-Muzanī and 'Āishah.

(Abū 'Eisā said:) As for the *Hadīth* of Abū Hurairah; 'Abdul-Ḥamīd bin Sulaimān has been contradicted in this narration. Al-Laith bin Sa'd reported it from Ibn 'Ajlān, from Abū Hurairah, from the Prophet ﷺ, as a *Mursal* narration.

(Abū 'Eisā said:) Muḥammad said: "The narration of Al-Laith is more appropriate, and the narration of 'Abdul-Ḥamīd is not considered preserved."

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، النكاح، باب الأكفاء، ح: ١٩٦٧ من حديث عبد الحميد بن سليمان به وهو ضعيف وشيخه مدلس وعنعن ومع ذلك صححه الحاكم: ١٦٤/٢، ١٦٥ فتعقبه الذهبي * وفي الباب عن أبي حاتم المزني [يأتي: ١٠٨٥] وعائشة [الديلمي، ح: ٣١٥٤ بلا سند، أو يشير إلى حديث عائشة، أخرجه البخاري، ح: ٤٠٠٠].

Comments:

Wealth and physical beauty carry no weight in acquiring higher status or preference in Muslim society.

(المعجم ٣) - بَابُ مَا جَاءَ فِيْمَنْ تَرْضَوْنَ دِينَهُ فَرَوْجُوهُ (التحفة ٣)

١٠٨٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْحَمِيدِ ابْنُ سُلَيْمَانَ عَنْ ابْنِ عَجَلَانَ، عَنْ ابْنِ وَثِيْمَةَ النَّضْرِيِّ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا خُطِبَ إِلَيْكُمْ مَنْ تَرْضَوْنَ دِينَهُ وَخُلُقَهُ، فَرَوْجُوهُ، إِلَّا تَفْعَلُوا تَكُنْ فِتْنَةٌ فِي الْأَرْضِ وَفَسَادٌ عَرِيضٌ».

[قَالَ:] وَفِي الْبَابِ عَنْ أَبِي حَاتِمٍ الْمُزَنِيِّ وَعَائِشَةَ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَبِي هُرَيْرَةَ، قَدْ خُولِفَ عَبْدُ الْحَمِيدِ بْنُ سُلَيْمَانَ فِي هَذَا الْحَدِيثِ، فَرَوَاهُ اللَّيْثُ بْنُ سَعْدٍ عَنْ ابْنِ عَجَلَانَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ، مُرْسَلًا.

[قَالَ أَبُو عِيسَى:] قَالَ مُحَمَّدٌ: وَحَدِيثُ اللَّيْثِ أَشْبَهُ، وَلَمْ يَدْخُلْ حَدِيثُ عَبْدِ الْحَمِيدِ مَحْفُوظًا.

^[1] It was graded *Hasan* by Shaikh Al-Albānī in *Irwa' Al-Ghālil* (no. 1868) and *Aṣ-Ṣaḥīḥah* (no. 1022)

1085. Abū Ḥātim Al-Muzanī narrated that the Messenger of Allāh ﷺ said: “When someone whose religion and character you are pleased with comes to you then marry (her to) him. If you do not do so, then there will be turmoil (*Fitnah*) in the land and discord (*Fasād*). If you do not do so, then there will be turmoil (*Fitnah*) in the land and discord (*Fasād*).”^[1]

They said: “O Messenger of Allāh! What if there was something about him?”^[2]

He said: “When someone whose religion and character you are pleased with comes to you then marry him.” (And he ﷺ said this) three times. (*Daʿif*)

(Abū ‘Eīsā said:) This *Hadīth* is *Ḥasan Gharīb*. Abū Ḥātim Al-Muzanī was a Companion, and we do not know of a *Hadīth* that he narrated from the Prophet ﷺ other than this.

تخريج: [إسناده ضعيف] وأخرجه الطبراني: ٣٠٠/٢٢، ح: ٧٦٢ من حديث حاتم بن إسماعيل به * عبدالله بن مسلم: ضعيف ومحمد وسعيد: مجهولان (تقريب).

Comments:

A Muslim should prefer a religious minded lady for marriage and a Muslim lady should also prefer the same in a Muslim man.

Chapter 4. What Has Been Related About: One Who Is Married For Three Things

1086. Jābir narrated that the Prophet ﷺ said: “Indeed the woman is married for her religion, her wealth, and her beauty, so take

١٠٨٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرٍو [السَّوَّاقُ الْبَلْخِيُّ]: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ عَنْ عَبْدِ اللَّهِ بْنِ مُسْلِمٍ بْنِ هُرْمَزٍ، عَنْ مُحَمَّدٍ وَسَعِيدِ ابْنَيْ عُبَيْدٍ، عَنْ أَبِي حَاتِمٍ الْمُزَنِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا جَاءَكُمْ مَنْ تَرْضَوْنَ دِينَهُ وَخُلُقَهُ فَأَنْكِحُوهُ، إِلَّا تَفْعَلُوا تَكُنْ فِتْنَةٌ فِي الْأَرْضِ وَفَسَادٌ، إِلَّا تَفْعَلُوا تَكُنْ فِتْنَةٌ فِي الْأَرْضِ وَفَسَادٌ».

قَالُوا: يَا رَسُولَ اللَّهِ وَإِنْ كَانَ فِيهِ؟
قَالَ: «إِذَا جَاءَكُمْ مَنْ تَرْضَوْنَ دِينَهُ وَخُلُقَهُ فَأَنْكِحُوهُ» ثَلَاثَ مَرَّاتٍ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ. وَأَبُو حَاتِمٍ الْمُزَنِيُّ لَهُ ضَعْفٌ، وَلَا نَعْرِفُ لَهُ عَنِ النَّبِيِّ ﷺ غَيْرَ هَذَا الْحَدِيثِ.

(المعجم ٤) - بَابُ مَا جَاءَ فِيْمَنْ يَنْكِحُ عَلَى ثَلَاثِ خِصَالٍ (التحفة ٤)

١٠٨٦ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنُ مُوسَى: حَدَّثَنَا إِسْحَاقُ بْنُ يُونُسَ الْأَزْرَقِيُّ: حَدَّثَنَا عَبْدُ الْمَلِكِ [بْنُ أَبِي سُلَيْمَانَ] عَنْ

[1] See previous note.

[2] “Meaning something like little wealth or inadequacy.” (*Tuhfat Al-Aḥwadhī*).

the one with religion, and may your hands be dusty.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from ‘Awf bin Mālik, ‘Aishah, ‘Abdullāh bin ‘Amr, and Abū Sa‘eed.

(Abū ‘Eisā said:) The *Ḥadīth* of Jābir is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

عَطَاءٌ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّ الْمَرْأَةَ تُنْكَحُ عَلَى دِينِهَا وَمَالِهَا وَجَمَالِهَا، فَعَلَيْكَ بِذَاتِ الدِّينِ، تَرَبَّتْ يَدَاكَ».

[قَالَ:] وفي الباب عَنْ عَوْفِ بْنِ مَالِكٍ وَعَائِشَةَ وَعَبْدَ اللَّهِ بْنِ عَمْرٍو وَأَبِي سَعِيدٍ.
[قَالَ أَبُو عِيسَى:] حَدِيثُ جَابِرٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: وأخرجه مسلم، الرضاع، باب استحباب نكاح ذات الدين، ح ٧١٥ بعد، ح: ١٤٦٦ من حديث عبدالملك بن أبي سليمان به * وفي الباب عن عوف بن مالك [الجزار (كشف): ٢/ ١٥٠، ح: ١٤٠٤ وفيه يزيد بن عياض] وعائشة [أحمد: ١٥٢/٦] وعبدالله بن عمرو [ابن ماجه، ح: ١٨٥٩] وأبي سعيد [أحمد: ٨٠/٣ وابن حبان، ح: ١٢٣١ والحاكم: ١٦١/٢ وصححه ووافقه الذهبي].

Comments:

Usually people see three things in a woman for marriage. Her wealth, beauty and lineage or family but Islām recommends religiosity.

Chapter 5. What Has Been Related About Looking At The Proposed Woman

1087. Bakr bin ‘Abdullāh Al-Muzanī narrated that Al-Mughīrah bin Shu‘bah proposed to a woman, so the Prophet ﷺ said: “Look at her, for indeed that is more likely to make things better between the two of you.” (*Ṣaḥīḥ*)

There are narrations on this topic from Muḥammad bin Maslamah, Jābir, Anas, Abū Ḥumaid, and Abū Hurairah.

(Abū ‘Eisā said:) This *Ḥadīth* is *Ḥasan*. Some of the people of knowledge followed this *Ḥadīth*. They said that there is no harm in looking at her as long as he does not see anything unlawful from her.

(المعجم ٥) - بَابُ مَا جَاءَ فِي النَّظَرِ إِلَى الْمَخْطُوبَةِ (التحفة ٥)

١٠٨٧ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ [قَالَ]: حَدَّثَنِي عَاصِمُ بْنُ سُلَيْمَانَ [هُوَ الْأَخْوَلُ] عَنْ بَكْرِ بْنِ عَبْدِ اللَّهِ الْمُزَنِيِّ، عَنِ الْمُغِيرَةِ بْنِ شُعْبَةَ أَنَّهُ خَطَبَ امْرَأَةً، فَقَالَ النَّبِيُّ ﷺ: «انْظُرْ إِلَيْهَا فَإِنَّهُ أَوْخَرُ أَنْ يُؤَدَمَ بَيْنَكُمَا».

وفي الباب عَنْ مُحَمَّدِ بْنِ مَسْلَمَةَ وَجَابِرٍ وَأَنَسٍ وَأَبِي حُمَيْدٍ وَأَبِي هُرَيْرَةَ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ. وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ إِلَى هَذَا الْحَدِيثِ، وَقَالُوا: لَا بَأْسَ أَنْ يَنْظُرَ إِلَيْهَا

This is the saying of Aḥmad and Ishāq. And the meaning of his saying "More likely to make things better between the two of you" is; more likely to cause mutual love between the two of you.

مَا لَمْ يَرَ مِنْهَا مُحَرَّمًا، وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ. وَمَعْنَى قَوْلِهِ: «أَحْرَى أَنْ يُؤَدِمَ بَيْنَكُمَا». قَالَ: أَحْرَى أَنْ تَدُومَ الْمَوَدَّةُ بَيْنَكُمَا.

تخريج: [إسناده صحيح] وأخرجه النسائي: ٦/٦٩، ٧٠، ح: ٣٢٣٧ (النكاح، باب إباحة النظر قبل التزويج) من حديث عاصم الأحول به وصححه ابن الجارود، ح: ٦٧٥ * وفي الباب عن محمد بن مسلمة [ابن ماجه، ح: ١٨٦٤] وجابر [أبو داود، ح: ٢٠٨٢] وأنس [ابن ماجه، ح: ١٨٦٥] وأبي حميد [أحمد: ٥/٤٢٤] وأبي هريرة [مسلم، ح: ١٤٢٤].

Comments:

As marriage is a contract for the whole life, therefore it should be given due consideration before going into it. According to most of the scholars and the Four *A'imma*h, it is approved and lawful to see the spouse before betrothal.

Chapter 6. What Has Been Related About Publicizing The Marriage

1088. Abū Al-Balj narrated from Muḥammad bin Ḥāṭib Al-Jumāḥī who said that the Messenger of Allāh ﷺ said: "The distinction between the lawful and the unlawful is the *Duff* and the voice." (*Hasan*)

(He said:) There are narrations on this topic from 'Āishah, Jābir, Ar-Rubai' bint Mu'awwidh.

(Abū 'Eisā said:) The *Ḥadīth* of Muḥammad bin Ḥāṭib is a *Ḥasan Ḥadīth*.

Abū Balj's name is Yaḥya bin Abī Sulaim, and they say it is Ibn Sulaim as well.

Muḥammad bin Ḥāṭib saw the Prophet ﷺ when he was a young boy.

(المعجم ٦) - بَابُ مَا جَاءَ فِي إِعْلَانِ النِّكَاحِ (التحفة ٦)

١٠٨٨ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا أَبُو بَلَجٍ عَنْ مُحَمَّدِ بْنِ حَاطِبٍ الْجُمَاهِرِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «فَضْلُ مَا بَيْنَ الْحَرَامِ وَالْحَلَالِ الدُّفُّ وَالصَّوْتُ».

[قَالَ:] وَفِي الْبَابِ عَنْ عَائِشَةَ وَجَابِرٍ وَالرُّبَيْعِ بِنْتِ مُعَوِذٍ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ مُحَمَّدِ بْنِ حَاطِبٍ حَدِيثٌ حَسَنٌ.

وَأَبُو بَلَجٍ اسْمُهُ يَحْيَى بْنُ أَبِي سُلَيْمٍ، وَيُقَالُ: ابْنُ سُلَيْمٍ أَيْضًا.

وَمُحَمَّدُ بْنُ حَاطِبٍ قَدْ رَأَى النَّبِيَّ ﷺ وَهُوَ غُلَامٌ صَغِيرٌ.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، النكاح، باب إعلان النكاح، ح: ١٨٩٦ والنسائي: ٦/١٢٧، ح: ٣٣٧١ من حديث هشيم به وصححه الحاكم: ٢/١٨٤ والذهبي * وفي الباب عن عائشة [يأتي: ١٠٨٩] وجابر [أحمد: ٣/٣٩١ والنسائي في الكبرى] والربيع بنت معوذ [يأتي: ١٠٩٠].

Comments:

Marriage should be celebrated and publicized. Concealed marriages creates many problems and misunderstandings among the people and concerned families.

1089. ‘Āishah narrated that the Messenger of Allāh ﷺ said: “Publicize this marriage, and hold it in the *Masjid*, and beat the *Duff* for it.” (*Da‘if*)

(Abū ‘Eisā said:) This *Hadīth*, about this topic, is *Hasan Gharīb*. ‘Eisā bin Maimūn Al-Anṣārī was graded weak in *Hadīth*.

‘Eisā bin Maimūn, the one that reports *At-Tafsīr* from Ibn Abī Najīh is trustworthy.

١٠٨٩ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: حَدَّثَنَا عَيْسَى بْنُ مَيْمُونٍ [الْأَنْصَارِيُّ] عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَعْلِنُوا هَذَا النِّكَاحَ وَاجْعَلُوهُ فِي الْمَسَاجِدِ، وَاضْرِبُوا عَلَيْهِ بِالْذُّفُوفِ».

[قَالَ أَبُو عَيْسَى:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ فِي هَذَا الْبَابِ. وَعَيْسَى بْنُ مَيْمُونٍ الْأَنْصَارِيُّ يُضَعَّفُ فِي الْحَدِيثِ.

وَعَيْسَى بْنُ مَيْمُونٍ الَّذِي يَرْوِي عَنْ ابْنِ أَبِي نَجِيحٍ التَّنْسِيرَ هُوَ ثِقَةٌ.

تخريج: [إسناده ضعيف] * عيسى بن ميمون ضعيف (تقريب) وللحديث طريق ضعيف جداً عند ابن ماجه، ح: ١٨٩٥ عن القاسم بن محمد به.

Comments:

Though this narration is weak, it supports the idea of publicizing the marriage when it is held in a *Masjid*.

1090. Ar-Rubai‘ bint Mu‘awwidh said: “The morning after the consummation of my marriage, the Prophet ﷺ came and sat on my bed as far from me as you are sitting now, and our little girls started beating the *Duff* and reciting verses mourning my fathers^[1] who had been killed in the battle of Badr. One of them said: ‘Among us is a Prophet who knows what will happen tomorrow.’

١٠٩٠ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ الْبَصْرِيُّ: حَدَّثَنَا بِشْرُ بْنُ الْمُفَضَّلِ: حَدَّثَنَا خَالِدُ بْنُ دُرَّوَانَ عَنِ الرَّبِيعِ بْنِتِ مُعَوِّذٍ قَالَتْ: جَاءَ رَسُولُ اللَّهِ ﷺ فَدَخَلَ عَلَيَّ غَدَاةَ بُنَيَّيْ، فَجَلَسَ عَلَى فِرَاشِي كَمَا جَلَسَ مِنِّي، وَجَوَازِيَاتٍ لَنَا يَضْرِبْنَ بِذُفُوفِهِنَّ وَيَنْدُبْنَ مَنْ قُتِلَ مِنْ آبَائِي يَوْمَ بَدْرٍ إِلَى أَنْ قَالَتْ إِحْدَاهُنَّ: وَفِينَا نَبِيٌّ يَعْلَمُ مَا فِي غَدٍ فَقَالَ لَهَا

^[1] Her father and two uncles had been killed in the battle of Badr. By saying: “My fathers” she meant that her two uncles were as dear to her as her father was.

On that the Prophet ﷺ said: ‘Stop saying this, and keep on saying what you were saying before.’”

Abū ‘Eisā said: This *Hadīth* is *Hasan Ṣaḥīḥ*.

[رَسُولُ اللَّهِ ﷺ]: «اسْكُتِي عَنْ هَذِهِ، وَقُولِي الَّتِي كُنْتَ تَقُولِينَ قَبْلَهَا».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: وأخرجه البخاري، النكاح، باب ضرب الدف في النكاح والوليمة، ح: ٥١٤٧ من حديث بشر بن المفضل به.

Comments:

When the little girls uttered an improper statement in their song the Prophet ﷺ stopped them there and then. This indicates that wrong, false and unlawful things should not be permitted or appreciated at any occasion.

Chapter 7. What (Has Been Related About What) To Say To The Newlywed

(المعجم ٧) - بَابُ مَا [جَاءَ فِيمَا]

يُقَالُ لِلْمُتَزَوِّجِ (التحفة ٧)

1091. Abū Hurairah narrated that when supplicating for the newlywed, the Prophet ﷺ would say: (*Bārak Allāhu laka wa bāraka ‘alaik, wa jama’a bainakumā fī khair.*) “May Allāh bless you and send blessings upon you, and bring goodness between you.” (*Ṣaḥīḥ*)

(He said:) There is something about this from ‘Aqīl bin Abī Ṭālib.

(Abū ‘Eisā said:) The *Hadīth* of Abū Hurairah is a *Hasan Ṣaḥīḥ Hadīth*.

١٠٩١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ

ابْنُ مُحَمَّدٍ عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا رَفَّقًا الْإِنْسَانَ، إِذَا تَزَوَّجَ قَالَ: «بَارَكَ اللَّهُ لَكَ وَبَارَكَ عَلَيْكَ، وَجَمَعَ بَيْنَكُمَا فِي خَيْرٍ» [قَالَ:] وَفِي الْبَابِ عَنْ عَقِيلِ بْنِ أَبِي طَالِبٍ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: [إسناده صحيح] وأخرجه أبو داود، النكاح، باب ما يقال للمتزوج، ح: ٢١٣٠ عن قتيبة به وصححه ابن حبان (الإحسان): ٤٠٤١ والحاكم: ١٨٣/٢ والذهبي * وفي الباب عن عقيل ابن أبي طالب [ابن ماجه، ح: ١٩٠٦].

Comments:

In this world, in different nations, there are different ways to congratulate on marriage. The Prophet ﷺ told the Muslims to congratulate the husband and wife and ask Allāh’s blessings for them.

Chapter 8. What Has Been Related About What Is Said When One Has Intercourse With His Wife

1092. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ said: “If anyone of you, when having sexual intercourse with his wife, says: (*Bismillāh, Allāhumma jannibnash-Shaiṭāna wa jannibish-Shaiṭāna mā razaqtanā*) ‘In the Name of Allāh. O Allāh! Protect me from *Shaiṭān* and protect what you bestow upon us from *Shaiṭān*’ – then if Allāh decrees that they should have a child, *Shaiṭān* will not be able to harm him.” (*Ṣaḥīḥ*)

(Abū ‘Eīsā said:) This *Hadīth* is *Hasan Ṣaḥīḥ*.

تخریج: متفق عليه، وأخرجه البخاري، النكاح، باب ما يقول إذا أتى أهله، ح: ٥١٦٥ ومسلم، ح: ١٤٣٤ من حديث منصور به.

Comments:

When a person intends to have sexual intercourse with his wife, he should pray and ask Allāh’s blessings with the mentioned supplication. If the child is born in result of this intercourse, Allāh ﷻ will save the child from the evil of Satan.

Chapter 9. What Has Been Related About The Times In Which Marriage Is Recommended

1093. ‘Āishah narrated: “The Messenger of Allāh ﷺ married me in *Shawwāl*, and he took up residence with me in *Shawwāl*.” (*Ṣaḥīḥ*)

And ‘Āishah used to recommend her women folk to take up residence (with their husbands) during *Shawwāl*.^[1]

(المعجم ٨) - بَابُ مَا جَاءَ فِيْمَا يَقُولُ إِذَا دَخَلَ عَلَى أَهْلِهِ (التحفة ٨)

١٠٩٢ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ مَنْصُورٍ، عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ، عَنْ كُرَيْبٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَوْ أَنَّ أَحَدَكُمْ، إِذَا أَتَى أَهْلَهُ، قَالَ: بِسْمِ اللَّهِ اللَّهُمَّ جَنِّبْنَا الشَّيْطَانَ وَجَنِّبِ الشَّيْطَانَ مَا رَزَقْتَنَا فَإِنْ قَضَى اللَّهُ بَيْنَهُمَا وَلَدًا لَمْ يَضُرَّهُ الشَّيْطَانُ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

(المعجم ٩) - بَابُ مَا جَاءَ فِي الْأَوْقَاتِ الَّتِي يُسْتَحَبُّ فِيهَا النِّكَاحُ (التحفة ٩)

١٠٩٣ - حَدَّثَنَا بُنْدَارٌ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا سُفْيَانُ عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ، عَنْ عَبْدِ اللَّهِ بْنِ عُرْوَةَ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: تَزَوَّجَنِي رَسُولُ اللَّهِ ﷺ فِي شَوَّالٍ، وَبَنَى بِي فِي شَوَّالٍ.

[1] They say that this was to contradict the pre-Islamic belief that it should not be done during *Shawwāl*. See *Tuhfat Al-Aḥwadhī*.

(Abū 'Eisā said:) This *Hadīth* is *Ḥasan Ṣaḥīḥ*, we do not know of it except from the narration of Ath-Thawrī from Ismā'il (bin Umayyah).

وَكَاثَتْ عَائِشَةُ تَسْتَحِبُّ أَنْ يُبْنَى بِنِسَائِهَا فِي شَوَّالٍ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ الثَّوْرِيِّ عَنْ إِسْمَاعِيلَ [ابْنِ أُمَيَّةَ].

تخريج: وأخرجه مسلم، النكاح، باب استحباب التزوج والتزويج في شوال استحباب الدخول فيه، ح: ١٤٢٣ من حديث سفيان الثوري به.

Comments:

In the period of *Jahiliyyah*, people disliked to marry in the month of *Shawwāl*. As for today people do not like to marry in the month of *Muharram*. The Prophet ﷺ did it purposely in the month of *Shawwāl* to disapprove the prevailing idea.

Chapter 10. What Has Been Related About (*Al-Walimah*) The Banquet

1094. Anas bin Mālik narrated: "The Messenger of Allāh ﷺ saw some traces of saffron on 'Abdur-Rahmān bin 'Awf so he said: 'What is this?' He said: 'I married a woman for the amount of gold equal to a date stone.' So he said: 'May Allāh bless you. Have a banquet, even if with only one sheep.'" (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ibn Mas'ūd, 'Āishah, Jābir, and Zuhair bin 'Uthmān.

(Abū 'Eisā said:) The *Hadīth* of Anas is a *Ḥasan Ṣaḥīḥ Hadīth*.

Aḥmad bin Ḥanbal said: "The amount of gold equal to a date stone is the weight of three and one third Dirham." Ishāq said: "It is the weight of five (and one third) Dirham."

(المعجم ١٠) - بَابُ مَا جَاءَ فِي الْوَلِيمَةِ (التحفة ١٠)

١٠٩٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ ثَابِتٍ، عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ رَسُولَ اللَّهِ ﷺ رَأَى عَلَى عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ أَثَرَ صُفْرَةٍ، فَقَالَ: «مَا هَذَا؟» فَقَالَ: إِنِّي تَزَوَّجْتُ امْرَأَةً عَلَى وَزْنِ نَوَاقٍ مِنْ ذَهَبٍ، فَقَالَ: «بَارَكَ اللَّهُ لَكَ، أَوْلِمَ وَلَوْ بِشَاةٍ».

[قَالَ:] وفي الباب عَنِ ابْنِ مَسْعُودٍ وَعَائِشَةَ وَجَابِرٍ وَزُهَيْرِ بْنِ عُثْمَانَ. [قَالَ أَبُو عِيسَى:] حَدِيثُ أَنَسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَقَالَ أَحْمَدُ بْنُ حَنْبَلٍ: وَزْنُ نَوَاقٍ مِنْ ذَهَبٍ: وَزْنُ ثَلَاثَةِ دَرَاهِمٍ وَثُلُثٍ. وَقَالَ إِسْحَاقُ: هُوَ وَزْنُ خَمْسَةِ دَرَاهِمٍ [وَتُثُلُثٍ].

تخريج: متفق عليه، وأخرجه مسلم، النكاح، باب الصداق وجواز كونه تعليم قرآن وخاتم حديد... إلخ، ح: ١٤٢٧ عن قتبية والبخاري، ح: ٥١٥٥ من حديث حماد بن زيد به * وفي الباب عن ابن مسعود [يأتي: ١٠٩٧] وعائشة [البیهقي: ٢٦٠/٧] وجابر [مسلم، ح: ١٤٣٠] وزهير ابن عثمان [أبو داود، ح: ٣٧٤٥].

Comments:

'Abdur-Rahmān bin 'Awf is one among the Ten who were given the glad tidings of Paradise in this world, and he had very special and close relations with the Prophet ﷺ. He did not invite the Prophet ﷺ to attend his marriage and the Prophet ﷺ did not mind it. It can be inferred from this that the people in the early period of Islam did not make any special arrangements for marriage and did not consider it mandatory to invite all friends and relatives to attend it.

1095. Anas bin Mālik narrated: "The Prophet ﷺ had a banquet for Safiyyah bint Ḥuyayy with *Sawīq*^[1] and dates."

(Abū 'Eisā said:) This *Hadīth* is *Hasan Gharīb*.

١٠٩٥ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ وَاثِلِ بْنِ دَاوُدَ، عَنْ أَبِيهِ، عَنِ الزُّهْرِيِّ، عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ النَّبِيَّ ﷺ أَوْلَمَ عَلَى صَفِيَّةَ بِنْتِ حَيٍّ بِسَوِيقٍ وَتَمْرٍ. [قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ.

تخريج: [حسن] وأخرجه ابن ماجه، ح: ١٩٠٩ عن محمد بن أبي عمر به وللحديث شواهد عند البخاري، ح: ٣٧١ ومسلم، ح: ١٣٦٥ (النكاح، باب فضيلة إعتاقه أمته ثم يتزوجها) وغيرهما.

Comments:

There is a narration in *Ṣaḥīḥ Al-Bukhārī* that the Prophet ﷺ, in the *Walīmah* banquet of Safiyyah, with the help of his friends served dates, cheese and ghee mixed together. Maybe the flour of barley was also mixed in it.

1096. (Another chain similar to the narration as no. 1095).

Others have reported this *Hadīth* from Ibn 'Uyainah, from Az-Zuhri, from Anas, and they did not mention "from Wā'il, from his son Nawf" in it. (*Hasan*)

(Abū 'Eisā said:) Sufyān bin 'Uyainah committed some *Tadlīs* in

١٠٩٦ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى: حَدَّثَنَا الْحُمَيْدِيُّ عَنْ سُفْيَانَ، نَحْوَ هَذَا. وَقَدْ رَوَى غَيْرُ وَاحِدٍ هَذَا الْحَدِيثَ عَنْ ابْنِ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ عَنْ أَنَسٍ. وَلَمْ يَذْكُرُوا فِيهِ عَنْ وَاثِلٍ، عَنْ ابْنِهِ نَوْفٍ.

^[1] A kind of mash made of powdered roasted wheat or barley grain, or with sugar and dates.

this *Ḥadīth*. Sometimes he did not mention "from Wā'il, from his son Nawf" in it, and sometimes he did.

[قَالَ أَبُو عِيسَى:] وَكَانَ سُفْيَانُ بْنُ عُيَيْنَةَ يُدَلِّسُ فِي هَذَا الْحَدِيثِ. فَوَبَّأَ لَمْ يَذْكُرْ فِيهِ عَنْ وَائِلٍ، عَنْ ابْنِهِ وَرَبَّأَ ذَكَرَهُ.

تخريج: [حسن] انظر الحديث السابق وهو في مسند الحميدي، ح: ١١٩٤ (بتحقيقي).

1097. Ibn Mas'ūd narrated that the Messenger of Allāh ﷺ said: "Having food on the first day is what is obligatory, and having food on the second day is *Sunnah*, and having food on the third day is to be heard of, and whoever wants to be heard of, Allāh will make him heard of." (*Ḍa'īf*)

Abū 'Eisā said: We do not know of the *Ḥadīth* of Ibn Mas'ūd to be *Marfū'* except from the narration of Ziyād bin 'Abdullāh, and Ziyād bin 'Abdullāh narrates many strange and objectionable things.

(He said:) I heard Muḥammad bin Ismā'il mentioning that Muḥammad bin 'Uqbah said: "Wakī' said: 'Ziyād bin 'Abdullāh, in spite of his nobility, lies in his narrations.'"

١٠٩٧ - حَدَّثَنَا مُحَمَّدُ بْنُ مُوسَى الْبَصْرِيُّ: حَدَّثَنَا زِيَادُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا عَطَاءُ بْنُ السَّائِبِ عَنْ أَبِي عَبْدِ الرَّحْمَنِ، عَنِ ابْنِ مَسْعُودٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «طَعَامُ أَوَّلِ يَوْمٍ حَقٌّ، وَطَعَامُ يَوْمِ الثَّانِي سُنَّةٌ، وَطَعَامُ يَوْمِ الثَّلَاثِ سُمْعَةٌ، وَمَنْ سَمِعَ سَمِعَ اللَّهُ بِهِ».

قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ مَسْعُودٍ لَا نَعْرِفُهُ مَرْفُوعًا إِلَّا مِنْ حَدِيثِ زِيَادِ بْنِ عَبْدِ اللَّهِ وَزِيَادُ بْنُ عَبْدِ اللَّهِ كَثِيرُ الْغَرَائِبِ وَالْمَنَاقِبِ.

[قَالَ:] وَاسْمِعْتُ مُحَمَّدَ بْنَ إِسْمَاعِيلَ يَذْكُرُ عَنْ مُحَمَّدِ بْنِ عُقْبَةَ قَالَ: قَالَ وَكِيعٌ: زِيَادُ بْنُ عَبْدِ اللَّهِ، مَعَ شَرَفِهِ، يَكْذِبُ فِي الْحَدِيثِ.

تخريج: [إسناده ضعيف] وأخرجه البيهقي: ٢٦٠/٧ وابن عدي: ١٥٠/٣ من حديث محمد ابن موسى البصري الحرشي به وضعفه، وللحديث شواهد ضعيفة عند أبي داود، ح: ٣٧٤٥ وابن حبان، ح: ١٩١٥ وغيرهما * عطاء بن السائب اختلط * قول وكيع: "زياد بن عبدالله مع شرفه (لا) يكذب في الحديث" سقط "لا" من رواية الترمذي فيما أظن، وقال البخاري في التاريخ الكبير: ٣/٣٦٠: "وقال ابن عقبة السدوسي عن وكيع: هو أشرف من أن يكذب" وكذا رواه أبو أحمد الحاكم وهو الصواب كما في التهذيب وغيره.

Comments:

Having the banquet on the third day is supported by narrations recorded by *Al-Bukhārī*, *Muslim*, and others.

Chapter 11. What Has Been Related About Accepting The Invitation

1098. Ibn ‘Umar narrated that the Messenger of Allāh ﷺ said: “Accept the invitation when you are offered.” (*Ṣaḥīḥ*)

He said: There are narrations on this topic from ‘Alī, Abū Hurairah, Al-Barā’, Anas, and Abū Ayyūb.

(المعجم ١١) - بَابُ مَا جَاءَ فِي إِجَابَةِ الدَّاعِي (التحفة ١١)

١٠٩٨ - حَدَّثَنَا أَبُو سَلَمَةَ يَحْيَى بْنُ خَلْفٍ: حَدَّثَنَا بَشَرُ بْنُ الْمُفَضَّلِ عَنْ إِسْمَاعِيلَ ابْنِ أُمَيَّةَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «اتَّبُوا الدَّعْوَةَ إِذَا دُعِيتُمْ». قَالَ: وَفِي الْبَابِ عَنْ عَلِيٍّ وَأَبِي هُرَيْرَةَ وَالْبَرَاءِ وَأَنْسٍ وَأَبِي أَيُّوبَ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ ابْنِ عُمَرَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه مسلم، النكاح، باب الأمر بإجابة الداعي إلى دعوة، ح: ١٠٢/١٤٢٩ من حديث بشر بن المفضل به والبخاري، ح: ٥١٧٩ من حديث نافع به * وفي الباب عن علي [يأتي: ٢٧٣٦] وأبي هريرة [البخاري، ح: ٥١٧٧ ومسلم، ح: ١٤٣٢] والبراء [البخاري، ح: ٥١٧٥ ومسلم، ح: ٢٠٦٦] وأنس [أحمد: ٣/٢١٠، ٢٧٠، ٢٣٢] وأبي أيوب [البخاري في الأدب المفرد، ح: ٩٢٢].

Comments:

In *Ṣaḥīḥ Al-Bukhārī* and *Ṣaḥīḥ Muslim*, the banquet has been explained and made clear. If someone marries a woman of his choice, it is a matter of pleasure and delight. For this reason one should be thankful to Allāh ﷻ and for the sake of expressing one's happiness, one should invite the relatives and friends to eat food.

Chapter 12. What Has Been Related About One Who Comes To A Banquet Without An Invitation

1099. Abū Mas‘ūd narrated: “A man named Abū Shu‘aib came to a slave of his, who was a butcher, and said: ‘Prepare some food for me that will be sufficient for five, for I have seen hunger in the face of the Messenger of Allāh ﷺ.’ So he prepared some food. Then he

(المعجم ١٢) - بَابُ مَا جَاءَ فِيمَنْ يَحْيِي إِلَى الْوَلِيمَةِ بِغَيْرِ دَعْوَةٍ (التحفة ١٢)

١٠٩٩ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ شَقِيقٍ، عَنْ أَبِي مَسْعُودٍ قَالَ: جَاءَ رَجُلٌ يُقَالُ لَهُ أَبُو شُعَيْبٍ إِلَى غُلَامٍ لَهُ لَحَامٌ، فَقَالَ: اصْنَعْ لِي طَعَامًا يَكْفِي خَمْسَةً. فَإِنِّي رَأَيْتُ فِي وَجْهِ رَسُولِ اللَّهِ ﷺ الْجُوعَ قَالَ: فَصَنَعَ طَعَامًا، ثُمَّ أَرْسَلَ إِلَى

sent a message to the Prophet ﷺ inviting him and those who were sitting with him. When the Prophet ﷺ stood, he was followed by a man who was not with them when they were invited. When the Messenger of Allāh ﷺ arrived at the door he said to the owner of the house: ‘A man who was not with us when you invited us followed us, if you permit him, he will enter.’” He said: We have permitted him, let him enter.” (*Ṣaḥīḥ*)

(Abū ‘Eisā said:) This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. (He said:) There are narrations on this topic from Ibn ‘Umar.

تخریج: متفق عليه، وأخرجه مسلم، الأشربة، باب ما يفعل الضيف إذا تبعه غير من دعاه صاحب الطعام... إلخ، ح: ٢٠٣٦ من حديث أبي معاوية الضرير والبخاري، ح: ٥٤٣٤ من حديث الأعمش به * وفي الباب عن ابن عمر، [أبو داود، ح: ٣٧٤١].

Comments:

It is clear from this narration that attending banquets without being invited is not correct, and an invitee should not bring another person along to the banquet without prior permission from the host. If someone is sure that the additional guest will not be a burden on the host, then he may take him.

Chapter 13. What Has Been Related About Marrying Virgins

1100. Jābir bin ‘Abdullāh narrated: “I married a woman and went to the Prophet ﷺ, he said: ‘O Jābir! Have you married?’ I said: ‘Yes.’ He said: ‘A virgin or a matron?’ I said: ‘A matron.’ He said: ‘Why didn’t you marry a young girl, so that you may play with her and she with you?’ I said: ‘O Messenger of Allāh! ‘Abdullāh (his father) died and left behind seven – or nine – daughters, so I have brought someone who can

النَّبِيِّ ﷺ فَدَعَاهُ وَجُلَسَاءَهُ الَّذِينَ مَعَهُ، فَلَمَّا قَامَ النَّبِيُّ ﷺ اتَّبَعَهُمْ رَجُلٌ لَمْ يَكُنْ مَعَهُمْ حِينَ دُعُوا، فَلَمَّا انْتَهَى رَسُولُ اللَّهِ ﷺ إِلَى الْبَابِ، قَالَ لِصَاحِبِ الْمَنْزِلِ: «إِنَّهُ اتَّبَعَنَا رَجُلٌ لَمْ يَكُنْ مَعَنَا حِينَ دَعَوْتَنَا، فَإِنْ أَذْنُتَ لَهُ دَخَلَ». قَالَ: فَقَدْ أَذْنُتُ لَهُ، فَلْيَدْخُلْ. [قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. [قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عُمَرَ.

(المعجم ١٣) - بَابُ مَا جَاءَ فِي تَزْوِيجِ

الْأَبْكَارِ (التحفة ١٣)

١١٠٠ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: تَزَوَّجْتُ امْرَأَةً، فَأَتَيْتُ النَّبِيَّ ﷺ فَقَالَ: «أَتَزَوَّجْتَ يَا جَابِرُ؟» فَقُلْتُ: نَعَمْ. فَقَالَ: «يَكْرَاهُ أُمُّ نَبِيٍّ؟» فَقُلْتُ: لَا، بَلْ نَبِيًّا. فَقَالَ: «هَلَا جَارِيَةٌ تُلَاعِبُهَا وَتُلَاعِبُكَ؟» فَقُلْتُ: يَا رَسُولَ اللَّهِ! إِنَّ عَبْدَ اللَّهِ مَاتَ وَتَرَكَ سَبْعَ بَنَاتٍ أَوْ تِسْعًا، فَجِئْتُ بِمَنْ يَقُومُ

look after them.” (He said:) “So he supplicated for me.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ubayy bin Ka'b and Ka'b bin 'Ujrah.

(Abū 'Eisā said:) The *Ḥadīth* of Jābir (bin 'Abdullāh) is a *Ḥasan Ṣaḥīḥ*.

تخريج: متفق عليه، وأخرجه البخاري، النفقات، باب عون المرأة زوجها في ولده، ح: ٥٣٦٧ ومسلم، ح: ٧١٥ (الرضاع، باب استحباب نكاح البكر بعد، ح: ١٤٦٦) من حديث حماد بن زيد به * وفي الباب عن أبي بن كعب [البخاري في التاريخ الكبير: ٢٧٢/٣] وكعب بن عجرة [البخاري في التاريخ الكبير: ٢٧٢/٣ والطبراني في الكبير: ١٩/١٥٠، ح: ٣٢٨].

Comments:

It is clear from this narration that marrying a virgin is preferable as this marriage is lively and spirited. But marrying a widow or a divorced lady is also recommended if there is need of it for some higher cause.

Chapter 14. What Has Been Related About: There Is No Marriage Except With A *Walī*

1101. Abū Mūsā narrated that the Messenger of Allāh ﷺ said: “There is no marriage except with a *Walī*.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from 'Āishah, Ibn 'Abbās, Abū Hurairah, 'Imrān bin Ḥuṣain, and Anas.

عَلَيْهِنَّ. [قَالَ:] فَدَعَا لِي [قَالَ:] وَفِي الْبَابِ عَنْ أَبِي بَنِي كَعْبٍ وَكَعْبِ بْنِ عُجْرَةَ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ جَابِرٍ [بْنِ عَبْدِ اللَّهِ] حَدِيثٌ حَسَنٌ صَحِيحٌ.

(المعجم ١٤) - بَابُ مَا جَاءَ لَا نِكَاحَ إِلَّا بِوَلِيِّ (التحفة ١٤)

١١٠١ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا شَرِيكُ بْنُ عَبْدِ اللَّهِ عَنْ أَبِي إِسْحَاقَ؛ ح: وَحَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ أَبِي إِسْحَاقَ؛ ح: وَحَدَّثَنَا بُنْدَارٌ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقَ؛ ح: وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ أَبِي زَيْدٍ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ عَنْ يُونُسَ بْنِ أَبِي إِسْحَاقَ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي مُوسَى قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا نِكَاحَ إِلَّا بِوَلِيِّ».

[قَالَ:] وَفِي الْبَابِ عَنْ عَائِشَةَ وَابْنِ عَبَّاسٍ وَأَبِي هُرَيْرَةَ وَعِمْرَانَ بْنِ حُصَيْنٍ وَأَنْسٍ.

تخریج: [صحیح] وأخرجه ابن ماجه، النکاح، باب: لا نکاح إلا بولي، ح: ١٨٨١ من حديث أبي عوانة به وصححه ابن حبان (الإحسان): ٤٠٦٥، ٤٠٦٦ وابن الجارود، ح: ٧٠٢، ٧٠٣ وللحديث شواهد كثيرة جدًا * وفي الباب عن عائشة [يأتي: ١١٠٢] وابن عباس [ابن ماجه، ح: ١٨٨٠] وأبي هريرة [ابن ماجه، ح: ١٨٨٢] وعمران بن حصين [ابن عدي في الكامل: ٤/ ١٤٥٣، ١٥٦٩ والبيهقي: ٧/ ١٢٥] وأنس [ابن عدي: ٣/ ٩٧٩].

1102. ‘Āishah narrated that the Messenger of Allāh ﷺ said: “Whichever woman marries without the permission of her *Walī* her marriage is invalid, her marriage is invalid. If he entered into her, then the *Mahr* is for her in lieu of what he enjoyed from her private part. If they disagree, then the *Sulṭān* is the *Walī* for one who has no *Walī*.” (*Hasan*)

(Abū ‘Eisā said:) This is a *Hasan Ḥadīth*. Yaḥya bin Sa‘eed Al-Anṣārī, Yahya bin Ayyūb, Sufyān Ath-Thawrī and others among the *Ḥuffāz* had reported similar from Ibn Juraij.

(Abū ‘Eisā said:) There is some disagreement with regard to the (previous) *Ḥadīth* of Abū Mūsā. It was reported by Isrā’īl, Sharīk bin ‘Abdullāh, Abū ‘Awānah, Zuhair bin Mu‘āwiyah, and Qais bin Ar-Rabī‘ (all of them) from Abū Ishāq, from Abū Burdah, from Abū Mūsā, from the Prophet ﷺ.

Asbāṭ bin Muḥammad and Zaid bin Ḥubāb reported it from Yūnus bin Abī Ishāq, from Abū Ishāq, from Abū Buradah, from Abū Mūsā, from the Prophet ﷺ.

Abū ‘Ubaidah Al-Ḥaddād reported it from Yūnus bin Abī Ishāq, from Abū Burdah, from Abū

١١٠٢ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ ابْنِ جُرَيْجٍ، عَنْ سَلِيمَانَ ابْنِ مُوسَى، عَنِ الزُّهْرِيِّ، عَنْ عُروَةَ، عَنْ عَائِشَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «أَيُّمَا امْرَأَةٍ نَكَحَتْ بِغَيْرِ إِذْنٍ وَلِيِّهَا، فَنِكَاحُهَا بَاطِلٌ، فَنِكَاحُهَا بَاطِلٌ، فَنِكَاحُهَا بَاطِلٌ، فَإِنْ دَخَلَ بِهَا فَلَهَا الْمَهْرُ بِمَا اسْتَحَلَّ مِنْ فَرْجِهَا، فَإِنْ اسْتَجَرُوا، فَالسُّلْطَانُ وَلِيُّ مَنْ لَا وَلِيَ لَهُ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ، وَقَدْ رَوَى يَحْيَى بْنُ سَعِيدٍ الْأَنْصَارِيُّ وَيَحْيَى ابْنُ أَثُوبٍ وَسُفْيَانُ الثَّوْرِيُّ وَغَيْرُ وَاحِدٍ مِنَ الْحَفَظِ عَنْ ابْنِ جُرَيْجٍ، نَحْوَ هَذَا.

[قَالَ أَبُو عِيسَى:] وَحَدِيثُ أَبِي مُوسَى حَدِيثٌ فِيهِ اخْتِلَافٌ. رَوَاهُ إِسْرَائِيلُ وَشَرِيكُ ابْنِ عَبْدِ اللَّهِ وَأَبُو عَوَانَةَ وَزُهَيْرُ بْنُ مُعَاوِيَةَ وَقَيْسُ بْنُ الرَّبِيعِ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي بُرَّةَ، عَنْ أَبِي مُوسَى عَنِ النَّبِيِّ ﷺ. وَرَوَاهُ أَسْبَاطُ بْنُ مُحَمَّدٍ وَزَيْدُ بْنُ حُبَابٍ عَنْ يُونُسَ ابْنِ أَبِي إِسْحَاقَ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي بُرَّةَ، عَنْ أَبِي مُوسَى عَنِ النَّبِيِّ ﷺ. وَرَوَى أَبُو عُبَيْدَةَ الْحَدَّادُ عَنْ يُونُسَ بْنِ أَبِي إِسْحَاقَ، عَنْ أَبِي بُرَّةَ عَنْ أَبِي مُوسَى عَنِ النَّبِيِّ ﷺ،

The Chapters On Marriage

Mūsā, from the Prophet ﷺ and it is similar, but he did not mention “from Abū Ishāq” in it.

It has also been reported from Yūnus bin Abī Ishāq, (from Abū Ishāq), from Abū Burdah, (from Abū Mūsā), from the Prophet ﷺ.

Shu‘bah and Ath-Thawrī reported from Abū Ishāq, (from Abū Mūsā), from the Prophet ﷺ: “There is no marriage except with a *Walī*.”

Some of the companions of Sufyān mentioned it from Sufyān, from Abū Ishāq, from Abū Burdah, from Abū Mūsā, but that is not correct.

These people who reported from Abū Ishāq, from Abū Burdah, from Abū Mūsā, from the Prophet ﷺ: “There is no marriage except with a *Walī*” – they heard from Abū Ishāq during different times, even though Shu‘bah and Ath-Thawrī have better memories and are more reliable than all of these who reported this *Hadīth* from Abū Ishāq, even still, the narrations of these people are more appropriate and correct to me. This is because Shu‘bah and Ath-Thawrī heard this *Hadīth* from Abū Ishāq in one sitting. What proves this is what has been narrated to us by Maḥmūd bin Ghailān: (He said:), “Abū Dāwūd narrated to us: (He said) ‘Shu‘bah informed us, he said: “I heard Sufyān Ath-Thawrī ask Abū Ishāq: ‘Did you hear Abū Burdah saying: “The Messenger of Allāh ﷺ said: ‘There is no marriage except with a *Walī*? He said: “Yes.”

نَحْوَهُ. وَلَمْ يَذْكُرْ فِيهِ: عَنْ أَبِي إِسْحَاقَ.

وَقَدْ رَوَى عَنْ يُونُسَ بْنِ أَبِي إِسْحَاقَ، [عَنْ أَبِي إِسْحَاقَ] عَنْ أَبِي بُرْدَةَ، [عَنْ أَبِي مُوسَى] عَنِ النَّبِيِّ ﷺ [أَيْضًا].

وَرَوَى شُعْبَةُ وَالثَّوْرِيُّ عَنْ أَبِي إِسْحَاقَ، [عَنْ أَبِي مُوسَى] عَنِ النَّبِيِّ ﷺ: «لَا نِكَاحَ إِلَّا بِوَلِيِّ».

وَقَدْ ذَكَرَ بَعْضُ أَصْحَابِ سُفْيَانَ عَنْ سُفْيَانَ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى، وَلَا يَصِحُّ.

وَرَوَاهُ هُؤُلَاءِ الَّذِينَ رَوَوْا عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى عَنِ النَّبِيِّ ﷺ: «لَا نِكَاحَ إِلَّا بِوَلِيِّ» عِنْدِي أَصَحُّ. لِأَنَّ سَمَاعَهُمْ مِنْ أَبِي إِسْحَاقَ فِي أَوْقَاتٍ مُخْتَلِفَةٍ، وَإِنْ كَانَ شُعْبَةُ وَالثَّوْرِيُّ أَحْفَظَ وَأَثْبَتَ مِنْ جَمِيعِ هَؤُلَاءِ الَّذِينَ رَوَوْا عَنْ أَبِي إِسْحَاقَ هَذَا الْحَدِيثَ. فَإِنَّ رِوَايَةَ هَؤُلَاءِ عِنْدِي أَشْبَهُ وَأَصَحُّ. لِأَنَّ شُعْبَةَ وَالثَّوْرِيَّ سَمِعَا هَذَا الْحَدِيثَ مِنْ أَبِي إِسْحَاقَ فِي مَجْلِسٍ وَاحِدٍ. وَمِمَّا يَدُلُّ عَلَى ذَلِكَ مَا حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: [قَالَ] حَدَّثَنَا أَبُو دَاوُدَ: [قَالَ] أَتَيْنَا شُعْبَةَ قَالَ: سَمِعْتُ سُفْيَانَ الثَّوْرِيَّ يَسْأَلُ أَبَا إِسْحَاقَ: أَسَمِعْتَ أَبَا بُرْدَةَ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا نِكَاحَ إِلَّا بِوَلِيِّ؟» فَقَالَ: نَعَمْ.

فَدَلَّ هَذَا الْحَدِيثُ عَلَى أَنَّ سَمَاعَ شُعْبَةَ وَالثَّوْرِيَّ [عَنْ مَكْحُولٍ] هَذَا الْحَدِيثَ فِي

So this narration proves that Shu'bah and Ath-Thawrī heard this Hadīth (from Makhūl) at the same time, while Isrā'īl is (trustworthy and) reliable in the case of Abū Ishāq.

I heard Abū Mūsā Muḥammad bin Al-Muthanna saying: "I heard 'Abdur-Raḥmān bin Maḥdī saying; 'I only left the (Hadīth) of Sufyān Ath-Thawrī from Abū Ishāq because I relied on Isrā'īl for it, since he narrated it in a more complete fashion."

The Hadīth on this topic from 'Aishah, from the Prophet ﷺ: "There is no marriage except with a Walī" is a Ḥasan Hadīth to me, it was reported by Ibn Juraij from Sulaimān bin Mūsā, from Az-Zuhri, from 'Urwah, from 'Aishah, from the Prophet ﷺ.

It was reported by Al-Hajjāj bin Artāh and Ja'far bin Rabī'ah from Az-Zuhri, from 'Urwah, from 'Aishah, from the Prophet ﷺ. And it was reported from Hishām bin 'Urwah from his father, from 'Aishah, from the Prophet ﷺ, similarly.

Some of the people of Hadīth have criticized the narration of Az-Zuhri from 'Urwah, from 'Aishah, from the Prophet ﷺ. Ibn Juraij said: "Then I met Az-Zuhri and asked him about it, and he rejected it." So they considered this Hadīth weak because of this. It has been mentioned that Yahya bin Ma'in said: "This statement from Ibn

وَقَتِ وَاحِدٍ. وَإِسْرَائِيلُ هُوَ [ثِقَةٌ] ثَبَّتَ فِي أَبِي إِسْحَاقَ.

سَمِعْتُ مُحَمَّدَ بْنَ الْمُثَنَّى يَقُولُ: سَمِعْتُ عَبْدَ الرَّحْمَنِ بْنَ مَهْدِيٍّ يَقُولُ: مَا فَاتَنِي الَّذِي فَاتَنِي مِنْ حَدِيثِ الثَّوْرِيِّ عَنْ أَبِي إِسْحَاقَ، إِلَّا لَمَّا اتَّكَلْتُ بِهِ عَلَى إِسْرَائِيلَ، لِأَنَّهُ كَانَ يَأْتِي بِهِ أَتَمَّ.

وَحَدِيثُ عَائِشَةَ فِي هَذَا الْبَابِ عَنِ النَّبِيِّ ﷺ: [لَا نِكَاحَ إِلَّا بِوَلِيِّ] حَدِيثٌ [عِنْدِي] حَسَنٌ. رَوَاهُ ابْنُ جُرَيْجٍ عَنْ سُلَيْمَانَ بْنِ مُوسَى، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ.

وَرَوَاهُ الْحَجَّاجُ بْنُ أَرْطَاةٍ وَجَعْفَرُ بْنُ رَبِيعَةَ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ. وَرَوَى عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ مِثْلَهُ. وَقَدْ تَكَلَّمَ بَعْضُ أَصْحَابِ الْحَدِيثِ فِي حَدِيثِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ، قَالَ ابْنُ جُرَيْجٍ: ثُمَّ لَقِيتُ الزُّهْرِيَّ فَسَأَلْتُهُ فَأَنْكَرَهُ، فَضَعَّفُوا هَذَا الْحَدِيثَ مِنْ أَجْلِ هَذَا. وَذَكَرَ عَنْ يَحْيَى بْنِ مَعِينٍ، أَنَّهُ قَالَ: لَمْ يَذْكُرْ هَذَا الْحَرْفَ عَنِ ابْنِ جُرَيْجٍ إِلَّا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ. قَالَ يَحْيَى بْنُ مَعِينٍ: وَسَمَاعُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ عَنِ ابْنِ جُرَيْجٍ لَيْسَ بِذَاكَ، إِنَّمَا صَحَّحَ كُتُبَهُ عَلَى كُتُبِ عَبْدِ الْمَجِيدِ بْنِ عَبْدِ الْعَزِيزِ بْنِ أَبِي رَوَادٍ مَا سَمِعَ مِنْ ابْنِ جُرَيْجٍ.

Jurajj has not been mentioned by anyone but Ismā'il bin Ibrāhīm." Yahya bin Ma'in said: "The case of Ismā'il bin Ibrāhīm hearing from Ibn Jurajj is not well established; he only corrected his books according to the books of 'Abdul-Majīd bin 'Abdul-'Azīz bin Abī Rawwād, but he (Ismā'il) did not hear from Ibn Jurajj."

So Yahya graded the narrations of Ismā'il from Ibn Jurajj weak.

On this topic, the *Hadīth* of the Prophet ﷺ: "There is no marriage except with a *Wali*" is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ. Among them are 'Umar bin Al-Khaṭṭāb, 'Alī bin Abī Tālib, 'Abdullāh bin 'Abbās, Abū Hurairah, and others.

Similarly, it has been reported from some of the *Fuqahā'* among the *Tabī'in* saying: "There is no marriage except with a *Wali*." Among them were Sa'eed bin Al-Musayyab, Al-Hasan Al-Baṣrī, Shuraih, Ibrāhīm An-Nakha'i, 'Umar bin 'Abdul-'Azīz, and others.

This is the view of Sufyān Ath-Thawrī, Al-Awzā'i, Mālik, 'Abdullāh bin Al-Mubārak, Ash-Shāfi'i, Aḥmad, and Ishāq.

وَصَعَفَ يَحْيَى رِوَايَةَ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ عَنِ ابْنِ جُرَيْجٍ.

وَالْعَمَلُ فِي هَذَا الْبَابِ عَلَى حَدِيثِ النَّبِيِّ ﷺ: «لَا نِكَاحَ إِلَّا بِوَلِيِّ» عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ مِنْهُمْ عُمَرُ بْنُ الْخَطَّابِ، وَعَلِيُّ بْنُ أَبِي طَالِبٍ، وَعَبْدُ اللَّهِ بْنُ عَبَّاسٍ وَأَبُو هُرَيْرَةَ وَغَيْرُهُمْ.

وَهَكَذَا رَوَى عَنْ بَعْضِ فَقَهَاءِ التَّابِعِينَ أَنَّهُمْ قَالُوا: لَا نِكَاحَ إِلَّا بِوَلِيِّ. مِنْهُمْ سَعِيدُ ابْنِ الْمُسَيَّبِ وَالْحَسَنُ الْبَصْرِيُّ وَشُرَيْحٌ وَإِبْرَاهِيمُ النَّخَعِيُّ وَعُمَرُ بْنُ عَبْدِ الْعَزِيزِ وَغَيْرُهُمْ.

وَبِهَذَا يَقُولُ سُفْيَانُ الثَّوْرِيُّ وَالْأَوْزَاعِيُّ وَمَالِكٌ وَعَبْدُ اللَّهِ بْنُ الْمُبَارَكِ وَالشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ.

تخريج: [إسناده حسن] وأخرجه أبو داود، النكاح، باب: في الولي، ح: ٢٠٨٣ من حديث سفيان بن عيينة به وصححه ابن حبان، ح: ١٢٤٨ والحاكم: ١٦٨/٢ على شرط الشيخين وقواه ابن عدي في الكامل: ١١١٥/٣ * ابن جريج سمعه من سليمان وسليمان من الزهري من عروة وطولت تخريجه في تحقيق مسند الحميدي، ح: ٢٣٠ وللحديث شواهد كثيرة.

Chapter 15. What Has Been Related About: There Is No Marriage Except With Proof (Bayyinah)^[1]

1103. Ibn ‘Abbās narrated that the Prophet ﷺ said: “The adulteresses are the ones who marry themselves without *Bayyinah* (proof).” (*Da‘īf*)

Yūsuf bin Hammād (one of the narrators) said: “‘Abdul-A‘lā (one of the narrators) reported this *Hadīth* in *Marfū‘* form in *At-Tafsīr*, and in *Kitāb At-Ṭalāq* he reported it in *Mawqūf* not *Marfū‘* form.”

(المعجم ١٥) - بَابُ مَا جَاءَ لَا نِكَاحَ إِلَّا بِبَيِّنَةٍ (التحفة ١٥)

١١٠٣ - حَدَّثَنَا يُونُسُ بْنُ حَمَّادٍ الْمَغْنِيُّ الْبَصْرِيُّ: حَدَّثَنَا عَبْدُ الْأَعْلَى عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ، عَنْ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «الْبَغَايَا اللَّاتِي يُنْكِحُنَ أَنْفُسَهُنَّ بِغَيْرِ بَيِّنَةٍ».
قَالَ يُونُسُ بْنُ حَمَّادٍ: رَفَعَ عَبْدُ الْأَعْلَى هَذَا الْحَدِيثَ فِي التَّفْسِيرِ. وَأَوْقَفَهُ فِي كِتَابِ الطَّلَاقِ، وَلَمْ يَرْفَعَهُ.

تخريج: [إسناده ضعيف] وأخرجه الطبراني: ١٨٢/١٢، ح: ١٢٨٢ والبيهقي: ١٢٥/٧، ١٢٦. من حديث يوسف بن حماد به * سعيد بن أبي عروبة وقنادة عننا وللحديث شواهد مرفوعة وموقوفة، ومنها الحديث السابق.

1104. (Another chain) from Sa‘eed bin Abī ‘Arūbah, with similar (narration), and he did not narrate it in *Marfū‘* form, and this is more correct. (*Da‘īf*)

(Abū ‘Eīsā said:) This *Hadīth* is not preserved. We do not know of anyone who narrated it in *Marfū‘* form except for what has been reported from ‘Abdul-A‘lā, from Sa‘eed, from Qatādah which is *Marfū‘*.

This *Hadīth* has also been reported from ‘Abdul-A‘lā, from Sa‘eed in *Mawqūf* form.

What is *Ṣaḥīḥ* is what is reported from Ibn ‘Abbās, as his saying: “There is no marriage except with *Bayyinah*.”

This is how it has been reported

١١٠٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ جَعْفَرٍ، عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ، نَحْوَهُ وَلَمْ يَرْفَعَهُ. وَهَذَا أَصَحُّ.
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ غَيْرُ مَحْفُوظٍ، لَا نَعْلَمُ أَحَدًا رَفَعَهُ إِلَّا مَا رَوَى عَنْ عَبْدِ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ مَرْفُوعًا.
وَرَوَى عَنْ عَبْدِ الْأَعْلَى، عَنْ سَعِيدٍ هَذَا الْحَدِيثَ مَوْقُوفًا.
وَالصَّحِيحُ مَا رَوَى عَنْ ابْنِ عَبَّاسٍ قَوْلُهُ: لَا نِكَاحَ إِلَّا بِبَيِّنَةٍ.
وَهَكَذَا رَوَى غَيْرُ وَاحِدٍ عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ، نَحْوَ هَذَا، مَوْقُوفًا.

[1] The *Bayyinah* referred to here is witnesses as the author explains below.

by more than one (narrator) from Sa'eed bin Abī 'Arūbah, and it is similar, in *Mawqūf* form.

There are narrations on this topic from 'Imrān bin Ḥuṣain, Anas, and Abū Hurairah.

This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and those after them from the *Tābi'in* and others. They say that there is no marriage except with witnesses. There is no disagreement over that – according to what we know, from those who were among them – except for those among the latter people of knowledge. And the only disagreement among the people of knowledge on this topic is when it is witnessed by one person, and another one afterwards. So most of the people of knowledge among the people of Al-Kūfah and others said: A marriage is not acceptable until it is witnessed by two witnesses together, at the time the marriage is contracted. Some of the people of Al-Madīnah held the view that when it is witnessed by one person, and then another afterwards, then it is permissible, as long as that is publicized.

This is the view of Mālik bin Anas [and others]. This is what was said by Ishāq bin Ibrāhīm regarding what has been quoted from the people of Al-Madīnah. Some of the people of knowledge said that it is allowed for a man and two women to witness the marriage, and this is the view of Ahmad and Ishāq.

وَفِي هَذَا الْبَابِ عَنْ عِمْرَانَ بْنِ حُصَيْنٍ وَأَنْسٍ وَأَبِي هُرَيْرَةَ.

وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ، وَمَنْ بَعْدَهُمْ مِنَ التَّابِعِينَ وَغَيْرِهِمْ. قَالُوا: لَا نِكَاحَ إِلَّا بِشُحُودٍ، لَمْ يَخْتَلِفُوا فِي ذَلِكَ عِنْدَنَا مَنْ مَضَى مِنْهُمْ، إِلَّا قَوْمًا مِنَ الْمُتَأَخِّرِينَ مِنْ أَهْلِ الْعِلْمِ، وَإِنَّمَا اخْتَلَفَ أَهْلُ الْعِلْمِ فِي هَذَا إِذَا أُشْهِدَ وَاحِدٌ بَعْدَ وَاحِدٍ، فَقَالَ أَكْثَرُ أَهْلِ الْعِلْمِ مِنْ أَهْلِ الْكُوفَةِ وَغَيْرِهِمْ: لَا يَجُوزُ النِّكَاحُ حَتَّى يَشْهَدَ الشَّاهِدَانِ مَعًا عِنْدَ عُقْدَةِ النِّكَاحِ. وَقَدْ رَأَى بَعْضُ أَهْلِ الْمَدِينَةِ إِذَا أُشْهِدَ وَاحِدٌ بَعْدَ وَاحِدٍ، فَإِنَّهُ جَائِزٌ، إِذَا أَعْلَنُوا ذَلِكَ.

وَهُوَ قَوْلُ مَالِكِ بْنِ أَنْسٍ [وغيره] هَكَذَا قَالَ إِسْحَاقُ بْنُ إِبْرَاهِيمَ فِيمَا حَكَى عَنْ أَهْلِ الْمَدِينَةِ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: يَجُوزُ شَهَادَةُ رَجُلٍ وَامْرَأَتَيْنِ فِي النِّكَاحِ. وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ.

تخريج: [إسناده ضعيف] وانظر الحديث السابق * وفي الباب عن عمران بن حصين [ابن عدي في الكامل: ١٤٥٣/٤ والبيهقي: ١٢٥/٧ وأنس [ابن عدي: ٢٥٦٦/٧ وأبي هريرة [البيهقي: ١٤٣/٧].

Comments:

All scholars agree that marriage without witnesses is not possible. According to Imām Mālik it is not necessary that two witnesses should be present at a time, they can witness the marriage at different times, but it is essential to publicize it. According to Imām Aḥmad one male and two females can also stand witnesses for a marriage whereas according to Imām Shafi'is view two male witnesses are necessary.

Chapter 17. What Has Been Related About The Marriage *Khuṭbah*

(المعجم ١٧) - بَابُ مَا جَاءَ فِي خُطْبَةِ النِّكَاحِ (التحفة ١٦)

1105. ‘Abdullāh bin Mas‘ūd narrated: “The Messenger of Allāh ﷺ taught us the *Tashah-hud* for *Ṣalāt* and the *Tashah-hud* for *Al-Hājjah*.”^[1] He said: “The *Tashah-hud* for *Ṣalāt* is: (At-Taḥiyyātullillāh, waṣ-walawātu waṭ-ṭayyibātu. As-Salāmu ‘alaika ayyuhan-Nabiyyu wa raḥmatullāhi wa barakātuhi, As-Salāmu ‘alainā wa ‘alā ‘ibādillāhiṣ-ṣāliḥīn. Ashḥadu an lā ilāha illallāh, wa ashḥadu anna Muḥammadan ‘abduhu wa Rasūluh.) ‘All greetings, prayers, and pure words are for Allāh. Peace be upon you O Prophet, and Allāh’s mercy and His blessings. Peace be upon us and all of the righteous worshippers of Allāh. I testify that none has the right to be worshipped but Allāh, and I testify that Muḥammad is His slave and His Messenger.”

And the *Tashah-hud* for *Al-Hājjah* is: ‘Indeed all praise is due to Allāh, we

١١٠٥ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عُبَيْرُ بْنُ الْقَاسِمِ عَنِ الْأَعْمَشِ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي الْأَخْوَصِ، عَنْ عَبْدِ اللَّهِ قَالَ: عَلَّمَنَا رَسُولُ اللَّهِ ﷺ التَّشَهُّدَ فِي الصَّلَاةِ وَالتَّشَهُّدَ فِي الْحَاجَةِ، قَالَ التَّشَهُّدُ فِي الصَّلَاةِ: «التَّحِيَّاتُ لِلَّهِ وَالصَّلَوَاتُ وَالطَّيِّبَاتُ، السَّلَامُ عَلَيْكَ أَيُّهَا النَّبِيُّ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ، السَّلَامُ عَلَيْنَا وَعَلَى عِبَادِ اللَّهِ الصَّالِحِينَ، أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ». وَالتَّشَهُّدُ فِي الْحَاجَةِ: «إِنَّ الْحَمْدَ لِلَّهِ نَسْتَعِينُهُ وَنَسْتَغْفِرُهُ وَنَعُوذُ بِاللَّهِ مِنْ شُرُورِ أَنْفُسِنَا وَسَيِّئَاتِ أَعْمَالِنَا، مَنْ يَهْدِهِ - أَيُّ اللَّهُ - فَلَا مُضِلَّ لَهُ، وَمَنْ يَضِلَّ فَلَا هَادِيَ لَهُ، وَأَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ، وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ» قَالَ: وَيَقْرَأُ ثَلَاثَ آيَاتٍ. قَالَ عُبَيْرٌ: فَفَسَّرَهُ لَنَا سُفْيَانُ الثَّوْرِيُّ:

^[1] That is the “speech of need” or, “compliance” or the “prerequisite speech.” It is to be used for marriage or any other important matter.

seek His aid, and we seek His forgiveness, and we seek refuge with Allāh from the evils of our souls and the mischief of our deeds. (*Innal-Hamdalillāhi nasta'inuhu, wa nastaghfiruhu, wa na'ūdhu billāhi min shurūri anfusinā, wa sayy'iāti a'mālinā, man yahdihi, falā muḍilla lahu, wa manyuḍlil, falā hādiya lahu, wa ashhadu an lā ilāha illallāh wa ashhadu anna Muḥammadan 'abduhu wa Rasūluh*) 'Whomever He guides – meaning Allāh – then there is none to lead him astray, and whomever He misleads, then there is no guide for him. I testify that none has the right to be worshipped but Allāh, and I testify that Muḥammad is His worshipper and Messenger."

He said: "And he recited three *Āyāt*." (*Da'if*)^[1]

'Abthar (one of the narrators) said: "Sufyān Ath-Thawrī explained that to us: Have Taqwa of Allāh, with the Taqwa that He is due, and do not die except while you are Muslims.^[2] And have Taqwa of Allāh from whom you demand your mutual rights and revere the ties of kinship. Indeed Allāh is Ever Watching over you.^[3] Have Taqwa of Allāh, and speak (always) the truth."^[4]

(He said:) There is something on this topic from 'Adī bin Hātim.

(Abū 'Eisā said:) The *Ḥadīth* of

﴿أَتَقُوا اللَّهَ حَقَّ تَقَاتِهِ وَلَا تَمُوتُوا إِلَّا وَأَنْتُمْ مُسْلِمُونَ﴾ [آل عمران: ١٠٢]. ﴿وَأَتَقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَنْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا﴾ [النساء: ١]. ﴿أَتَقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا﴾ [الأحزاب: ٧٠]. الآية [قال]: وفي الباب عن عدي بن حاتم.

[قال أبو عيسى]: حديث عبد الله حديث حسن رواه الأعمش عن أبي إسحاق، عن أبي الأحوص، عن عبد الله عن النبي ﷺ. ورواه شعبه عن أبي إسحاق، عن أبي عبيدة، عن عبد الله عن النبي ﷺ. وكلا الحديثين صحيح، لأن إسرائيل جمعهما فقال: عن أبي إسحاق، عن أبي الأحوص وأبي عبيدة عن عبد الله بن مسعود عن النبي ﷺ. وقد قال أهل العلم: إن النكاح جائز بغير خطبة. وهو قول سفيان الثوري وغيره من أهل العلم.

[1] The *Ḥadīth* is authentic via other chains.

[2] *Āl 'Imrān* 3:102.

[3] *An-Nisā'* 4:1.

[4] *Al-Aḥzāb* 33:70.

‘Abdullāh is a *Hasan Hadīth*. It was reported by Al-A‘*mash*, from Abū Ishāq, from Abū Al-Aḥ*waṣ*, from ‘Abdullāh, from the Prophet ﷺ.

Shu‘bah also reported it from Abū Ishāq, from Abū ‘Ubaidah, from ‘Abdullāh from the Prophet ﷺ. Both of the narrations are *Ṣaḥīḥ* because Isrā‘īl combined them both saying: “From Abū Ishāq, from Abū Al-Aḥ*waṣ*, and Abū ‘Ubaidah, from ‘Abdullāh bin Mas‘ūd from the Prophet ﷺ.”

The people of knowledge have said that a marriage without a *Khuṭbah* is acceptable. This is the view of Sufyān Ath-Thaw*rī* and others among the people of knowledge.

تخريج: [إسناده ضعيف] وأخرجه النسائي: ٨٩/٦، ح: ٣٢٧٩ عن قتيبة به * أبو إسحاق عننن ورواه شعبة عن أبي إسحاق عن أبي عبيدة عن عبدالله بن مسعود منقطعا ورواه شعبة عن أبي إسحاق عن أبي الأحوص به، أحمد: ٣٩٣/١ ولكنه معلل لأنه لم يذكر السند والتمن كارتد * وفي الباب عن عدي بن حاتم [لعله يشير إلى حديث مسلم، ح: ٨٧٠] أبو إسحاق لم يصرح بالسماع في السند المتصل.

Comments:

In the oration of the marriage sermon all three Verses of the Qur‘ān carry the subject of being ‘fearful of Allāh’. And the wholesome and agreeable relationship between husband and wife depend on the fear of Allāh ﷻ. Husband and wife both are required to care for each other and each other’s rights. According to most of the scholars, the marriage sermon is not essential but according to Az-Zah*riyah* it is necessary and essential. (*Tuḥfat Al-Aḥ*wadhī**)

1106. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Every *Khuṭbah* that does not have the *Tashah-hud* in it, then it is like a severed hand.” (*Ṣaḥīḥ*)

(Abū ‘Eisā said:) this *Hadīth* is *Hasan* (*Ṣaḥīḥ*) *Gharīb*.

١١٠٦ - حَدَّثَنَا أَبُو هِشَامٍ الرَّفَاعِيُّ: حَدَّثَنَا [مُحَمَّدُ] بْنُ فَضِيلٍ عَنْ عَاصِمِ بْنِ كُثَيْبٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «كُلُّ خُطْبَةٍ لَيْسَ فِيهَا تَشَهُدٌ فَهِيَ كَالْيَدِ الْجَذْمَاءِ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ

[صَحِيحٌ] غَرِيبٌ.

تخريج: [صحيح] وأخرجه أبو داود، الأدب، باب: في الخطبة، ح: ٤٨٤١ من حديث عاصم بن كليب به وصححه ابن حبان، ح: ١٩٩٤، ٥٧٩.

Comments:

This narration is a proof that reciting the formula of testimony is essential in every sermon.

Chapter 18. What Has Been Related About Seeking The Permission Of The Virgin And The Matron

1107. Abū Hurairah narrated that the Prophet ﷺ said: "A matron should not be given in marriage until she is consulted, and a virgin should not be given in marriage until her permission is sought, and her silence is her permission." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from 'Umar, Ibn 'Abbās, 'Aīshah, and Al-'Urs bin 'Amīrah.

(Abū 'Eīsā said:) The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Ḥadīth*, and this is acted upon according to the people of knowledge. The matron is not to be married until she is consulted, and if her father were to give her in marriage without having consulted her, and she dislikes it, then the marriage is annulled according to the people of knowledge in general.

The people of knowledge differ over virgins when they are given in marriage by their fathers. Most of the people of knowledge from the people of Al-Kūfah, and others, held the view that if the father gives

(المعجم ١٨) - بَابُ مَا جَاءَ فِي

اسْتِثْمَارِ الْبِكْرِ وَالْتَيْبِ (التحفة ١٧)

١١٠٧ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ:

حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ: حَدَّثَنَا الْأَوْزَاعِيُّ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تُنْكَحُ التَّيْبُ حَتَّى تُسْتَأْمَرَ، وَلَا تُنْكَحُ الْبِكْرُ حَتَّى تُسْتَأْذَنَ، وَإِذْنُهَا الصُّمُوتُ». [قَالَ:] وَفِي الْبَابِ عَنْ عُمَرَ وَابْنِ عَبَّاسٍ وَعَائِشَةَ وَالْعُرْسِ بْنِ عَمِيرَةَ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَبِي هُرَيْرَةَ

حَدِيثٌ حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ، أَنَّ التَّيْبَ لَا تَزَوَّجُ حَتَّى تُسْتَأْمَرَ، وَإِنْ زَوَّجَهَا الْأَبُ مِنْ غَيْرِ أَنْ يَسْتَأْمَرَهَا، فَكَرِهَتْ ذَلِكَ، فَالنِّكَاحُ مَقْسُوحٌ عِنْدَ عَامَّةِ أَهْلِ الْعِلْمِ.

وَاخْتَلَفَ أَهْلُ الْعِلْمِ فِي تَزْوِيجِ الْأَبْكَارِ إِذَا

زَوَّجَهُنَّ الْآبَاءُ، فَرَأَى أَكْثَرُ أَهْلِ الْعِلْمِ مِنْ أَهْلِ الْكُوفَةِ وَغَيْرِهِمْ، أَنَّ الْأَبَ إِذَا زَوَّجَ الْبِكْرَ وَهِيَ بِالْعَقَّةِ، بِغَيْرِ أَمْرِهَا، فَلَمْ تَرْضَ

the virgin in marriage, and she has attained the age of responsibility, and he did so without consulting her, if she does not accept the marriage arranged by her father, then the marriage is annulled.

Some of the people of Al-Madīnah said: The father's giving the virgin in marriage is allowed, even if she dislikes it. This is the saying of Mālik bin Anas, Ash-Shāfi'i, Ahmad and Ishāq.

بِتَزْوِيجِ الْأَبِ، فَالنِّكَاحُ مَفْسُوحٌ، وَقَالَ بَعْضُ أَهْلِ الْمَدِينَةِ: تَزْوِيجُ الْأَبِ عَلَى الْبِكْرِ جَائِزٌ، وَإِنْ كَرِهَتْ ذَلِكَ، وَهُوَ قَوْلُ مَالِكِ بْنِ أَنَسٍ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ.

تخريج: متفق عليه، وأخرجه مسلم، النكاح، باب استيذان الثيب في النكاح بالنطق، وبالبكر بالسكوت، ح: ١٤١٩ من حديث الأوزاعي والبخاري، ح: ٥١٣٦ من حديث يحيى بن أبي كثير به * وفي الباب عن عمر [الطبراني في الكبير: ١/٧٣، ٧٤، ح: ٨٨] وابن عباس [يأتي: ١١٠٨] وعائشة [البخاري، ح: ٦٩٤٦ ومسلم، ح: ١٤٢٠] والعرس بن عميرة [البيهقي: ٧/١٢٣].

Comments:

The Prophet ﷺ has instructed that a widow or a divorced woman must extend her consent by word of mouth, and a virgin should also give her consent for her marriage. Her silence is also her permission.

1108. Ibn 'Abbās narrated that the Messenger of Allāh ﷺ said: "The matron has more right to herself than her *Walī*, and the virgin is to give permission for herself, and her silence is her permission." (*Sahīh*)

This *Hadīth* is *Hasan Sahīh*. *Shu'bah* and *Sufyān Ath-Thawrī* have reported this *Hadīth* from Mālik bin Anas.

Some people argued for the validity of marriages without the *Walī*'s permission based upon this *Hadīth*. But there is nothing in this *Hadīth* to support what they argued, because it has been reported from other routes, from Ibn 'Abbās, that the Prophet ﷺ said: "There is no marriage except

١١٠٨ - حَدَّثَنَا قُتَيْبَةُ [بْنُ سَعِيدٍ]: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنْ عَبْدِ اللَّهِ بْنِ الْفَضْلِ، عَنْ نَافِعِ بْنِ جُبَيْرِ بْنِ مُطْعِمٍ، عَنِ ابْنِ عَبَّاسٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْأَيِّمُ أَحَقُّ بِنَفْسِهَا مِنْ وَلِيِّهَا. وَالْبِكْرُ تُسْتَأْذَنُ فِي نَفْسِهَا. وَإِذْنُهَا صُمَاتُهَا».

هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رَوَى شُعْبَةُ وَسُفْيَانُ الثَّوْرِيُّ هَذَا الْحَدِيثَ عَنْ مَالِكِ ابْنِ أَنَسٍ.

وَقَدْ اِخْتَجَّ بَعْضُ النَّاسِ - فِي إِجَارَةِ النِّكَاحِ بِغَيْرِ وَلِيٍّ - بِهَذَا الْحَدِيثِ وَلَيْسَ فِي هَذَا الْحَدِيثِ مَا اخْتَجُّوا بِهِ. لِأَنَّهُ قَدْ رُوِيَ -

with a *Walī*.” And Ibn ‘Abbās gave a verdict accordingly, after the Prophet ﷺ; he said: “There is no marriage except with a *Walī*.” So the saying of the Prophet ﷺ: “The matron has more right to herself than her *Walī*” only means – according to most of the people of knowledge – that her *Walī* may not give her in marriage except with her acceptance and her approval, and if he were to give her in marriage then the marriage would be annulled. This is based upon the *Hadīth* of *Khansā’ bint Khidām*, in which her father married her while she was a matron, and she did not like that, so the Prophet ﷺ rejected her marriage.

تخريج: وأخرجه مسلم، النكاح، باب استيذان الثيب في النكاح بالنطق والبر بالسكرت، ح: ١٤٢١ عن قتبية به وهو في الموطأ (يحيى): ٥٢٤/٢، ٥٢٥.

Comments:

“*Al-Ayyim*” means a woman who has no husband. Allāh’s command is to marry those women who have no husbands but this *Al-Ayyim* stands for women who are divorced or widowed. In a narration of *Ṣaḥīḥ Muslim* the word ‘*Thyib*’ has occurred which is used for the opposite of married.

Chapter 19. What Has Been Related About Coercing A Female Orphan To Marry

1109. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “An orphan is to be consulted about herself, then if she is silent that is her permission, and if she refuses, then do not authorize it (the marriage) for her” (meaning: when she attains the age of puberty and refuses it.) (*Hasan*)

(He said:) There are narrations on

مِنْ غَيْرِ وَجْهِ - عَنْ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ، قَالَ: «لَا نِكَاحَ إِلَّا بِوَلِيِّ». وَهَكَذَا أَقْبَى بِهِ ابْنُ عَبَّاسٍ بَعْدَ النَّبِيِّ ﷺ، فَقَالَ: لَا نِكَاحَ إِلَّا بِوَلِيِّ. وَإِنَّمَا مَعْنَى قَوْلِ النَّبِيِّ ﷺ: «الْأَيِّمُ أَحَقُّ بِنَفْسِهَا مِنْ وَلِيِّهَا» - عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ - : أَنَّ الْوَلِيَّ لَا يُزَوِّجُهَا إِلَّا بِرِضَاهَا وَأَمْرِهَا: فَإِنْ زَوَّجَهَا فَالنِّكَاحُ مَفْسُوحٌ: عَلَى حَدِيثِ خَنْسَاءَ بِنْتِ خِدَامٍ، حَيْثُ زَوَّجَهَا أَبُوهَا وَهِيَ ثَيِّبٌ، فَكَرِهَتْ ذَلِكَ، فَردَّ النَّبِيُّ ﷺ نِكَاحَهُ.

(المعجم ١٩) - بَابُ مَا جَاءَ فِي إِكْرَاهِ الْيَتِيمَةِ عَلَى التَّزْوِيجِ (التحفة ١٨)

١١٠٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْيَتِيمَةُ تُسَأَلُ فِي نَفْسِهَا، فَإِنْ صَمَتَتْ فَهُوَ إِذْنُهَا، وَإِنْ أَبَتْ فَلَا جَوَازَ عَلَيْهَا». [يَعْنِي إِذَا أَدْرَكَتْ فَردَّتْ]. [قَالَ:] وَفِي الْبَابِ عَنْ أَبِي مُوسَى، وَابْنِ عَمْرٍو [وعائشة].

this topic from Abū Mūsā, Ibn ‘Umar (and ‘Āishah).

Abū ‘Eīsā said: The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ḥadīth*.

The people of knowledge differ over (the rules governing about) giving the orphan girl in marriage. Some of the people of knowledge held the view that when the orphan girl is given in marriage, the consummation is postponed until she attains the age of responsibility. Then, when she attains the age of responsibility, it is up to her to permit the wedding or annul it. This is the saying of some of the *Tābi‘īn* and others.

Some of them said: It is not allowed to give the orphan girl in marriage until she attains the age of responsibility, and she is not allowed a choice about the wedding. This is the view of Sufyān Ath-Thawrī Ash-Shāfi‘ī, and others among the people of knowledge.

Aḥmad and Ishāq said that when the orphan girl reaches nine years of age, and she is given in marriage and she approves, then the marriage is allowed, and she does not have a choice to permit or to annul it when she reaches puberty. They argued using the *Ḥadīth* of ‘Āishah that the Prophet ﷺ consummated his marriage with her when she was nine years of age,^[1] and ‘Āishah has said: “When a girl reaches nine years of age then she is a woman.”^[2]

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ.

وَاخْتَلَفَ أَهْلُ الْعِلْمِ فِي تَرْوِيجِ الْيَتِيمَةِ فَرَأَى بَعْضُ أَهْلِ الْعِلْمِ: أَنَّ الْيَتِيمَةَ إِذَا زُوجَتْ، فَالنِّكَاحُ مَوْقُوفٌ حَتَّى تَبْلُغَ، فَإِذَا بَلَغَتْ فَلَهَا الْخِيَارُ فِي إِجَارَةِ النِّكَاحِ أَوْ فَسْخِهِ. وَهُوَ قَوْلُ بَعْضِ التَّابِعِينَ وَغَيْرِهِمْ. وَقَالَ بَعْضُهُمْ: لَا يَجُوزُ نِكَاحُ الْيَتِيمَةِ حَتَّى تَبْلُغَ، وَلَا يَجُوزُ الْخِيَارُ فِي النِّكَاحِ. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالشَّافِعِيِّ وَغَيْرِهِمَا مِنْ أَهْلِ الْعِلْمِ. وَقَالَ أَحْمَدُ وَإِسْحَاقُ: إِذَا بَلَغَتِ الْيَتِيمَةُ تِسْعَ سِنِينَ فَرُوجَتْ فَارْضَيْتِ، فَالنِّكَاحُ جَائِزٌ، وَلَا خِيَارَ لَهَا إِذَا أَدْرَكَتِ. وَاحْتَجَّ بِحَدِيثِ عَائِشَةَ: أَنَّ النَّبِيَّ ﷺ بَنَى بِهَا وَهِيَ بِنْتُ تِسْعِ سِنِينَ وَقَدْ قَالَتْ عَائِشَةُ إِذَا بَلَغَتِ الْجَارِيَةُ تِسْعَ سِنِينَ فَهِيَ امْرَأَةٌ.

[1] “Āishah had reached puberty at nine years of age.” (*Tuḥfat Al-Aḥwadhī*).

[2] “She is judged as having reached womanhood because at that time she has attained the perceptions and discernment to know what is beneficial or harmful for herself, and Allāh Most High knows best.” (*Tuḥfat Al-Aḥwadhī*).

تخريج: [إسناده حسن] وأخرجه أبو داود، النكاح، باب: في الاستيمار، ح: ٢٠٩٣ والنسائي: ٨٧/٦، ح: ٣٢٧٢ من حديث محمد بن عمرو به وصححه ابن حبان، ح: ١٢٣٩، ١٢٤٠ * وفي الباب عن أبي موسى [أحمد: ٣٩٤/٤، ٤١١] وابن عمر [ابن ماجه، ح: ١٨٧٨ وأحمد: ١٣٠/٢] وعائشة [البخاري، ح: ٦٩٧١ ومسلم، ح: ١٤٢٠].

Comments:

When a girl who attains the age that she is wise enough to understand the matters of matrimony, taking her consent is necessary. If she gives her consent and the marriage takes place, later on she has no choice of revoking her marriage. If the marriage takes place at the age when she is a minor or before the age of understanding the matters of matrimony, if her consent is taken, it carries no weight. In this situation the girl has the right of keeping or revoking her agreement to the marriage.

Chapter 20. What Has Been Related About Two *Walī* Giving The Same Woman In Marriage

أَبْوَابُ (٢٠) - بَابُ مَا جَاءَ فِي
الْوَالِيَيْنِ يُزَوِّجَانِ (التحفة ١٩)

1110. Samurah bin Jundab narrated that the Messenger of Allāh ﷺ said: "Whichever woman is given in marriage by two *Walī*, then her case is in accordance with the first of them, and whoever sells something to two men, then it is for the first of them." (*Hasan*)

(Abū 'Eisā said:) This *Hadīth* is *Hasan*, and this is acted upon according to the people of knowledge. We do not know of any disagreement among them regarding that. When one of two *Walī* gives her in marriage before the other, then the marriage of the first is accepted, and the marriage of the other is annulled, and if they both gave her in marriage together (meaning; at the same time) then both of them are annulled. This is the view of Ath-Thawrī, Ahmad, and Ishāq.

١١١٠ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عُذْرٌ: حَدَّثَنَا سَعِيدُ بْنُ أَبِي عَرُوبَةَ عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ سَمُرَةَ بْنِ جُنْدَبٍ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «أَيُّمَا امْرَأَةٍ زَوَّجَهَا وَلِيَّانِ فَهِيَ لِلأَوَّلِ مِنْهُمَا، وَمَنْ بَاعَ بَيْعًا مِنْ رَجُلَيْنِ فَهُوَ لِلأَوَّلِ مِنْهُمَا».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ، لَا نَعْلَمُ بَيْنَهُمْ فِي ذَلِكَ اخْتِلَافًا: إِذَا زَوَّجَ أَحَدُ الْوَالِيَيْنِ قَبْلَ الْآخَرِ، فَنِكَاحُ الْأَوَّلِ جَائِزٌ، وَنِكَاحُ الْآخَرِ مَفْسُوخٌ. وَإِذَا زَوَّجَا جَمِيعًا فَنِكَاحُهُمَا جَمِيعًا مَفْسُوخٌ. وَهُوَ قَوْلُ الثَّوْرِيِّ وَأَحْمَدَ وَإِسْحَاقَ.

تخريج: [حسن] وأخرجه ابن ماجه، التجارات، باب: إذا باع المجيزان فهو للأول، ح: ٢١٩٠ من حديث سعيد بن أبي عروبة به وصححه الحاكم على شرط البخاري: ٣٥/٢ ووافقه الذهبي وللحديث شواهد، انظر نيل المقيود، ح: ٢٠٨٨.

Comments:

If two guardians (*Walī*), equally responsible in status of guardianship, give a girl in marriage, the first marriage will be accepted as the valid marriage and the second marriage conducted by the second guardian will have no value, and will be invalid. If two guardians are not equal in status of guardianship, the marriage conducted by the nearer guardian will be accepted as the valid marriage. The nearest guardian is father then grandfather then real brother. (For detail see *Al-Mughnī* v. 9. p. 355-561. For the detail of two guardians see *Al-Mughnī* v. 16. p.190)

Chapter 21. What Has Been Related About A Slave Marrying Without The Permission Of His Owner

(المعجم ٢١) - بَابُ مَا جَاءَ فِي نِكَاحِ الْعَبْدِ بِغَيْرِ إِذْنِ سَيِّدِهِ (التحفة ٢٠)

1111. Jābir bin ‘Abdullāh narrated that the Prophet ﷺ said: “Whichever slave gets married without the permission of his owner, then he is a fornicator.” (*Da‘īf*)

(He said:) There is something on this topic from Ibn ‘Umar.

(Abū ‘Eisā said:) The *Hadīth* of Jābir is a *Hasan Hadīth*. Some of them reported this *Hadīth* from ‘Abdullāh bin Muḥammad bin ‘Aqīl, from Ibn ‘Umar, from the Prophet ﷺ but it is not correct. What is *Ṣaḥīḥ* is from ‘Abdullāh bin Muḥammad bin ‘Aqīl, from Jābir bin ‘Abdullāh.

This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. The marriage of a slave without the permission of his owner is not allowed. This is the view of Aḥmad, Ishāq and others (without any disagreement).

١١١١ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ عَنْ زُهَيْرِ بْنِ مُحَمَّدٍ، عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ بْنِ عَقِيلٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ قَالَ: «أَيُّمَا عَبْدٍ تَزَوَّجَ بِغَيْرِ إِذْنِ سَيِّدِهِ فَهُوَ غَايِرٌ».

[قَالَ:] وفي الباب عن ابن عمر.

[قَالَ أَبُو عِيسَى:] حَدِيثُ جَابِرٍ حَدِيثٌ حَسَنٌ. وَرَوَى بَعْضُهُمْ هَذَا الْحَدِيثَ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ بْنِ عَقِيلٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ وَلَا يَصُحُّ. وَالصَّحِيحُ عَنْ عَبْدِ اللَّهِ ابْنِ مُحَمَّدٍ بْنِ عَقِيلٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ.

وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: أَنَّ نِكَاحَ الْعَبْدِ بِغَيْرِ إِذْنِ سَيِّدِهِ لَا يَجُوزُ وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ وَغَيْرِهِمَا [بِلَا اخْتِلَافٍ].

تخریج: [إسناده ضعيف] وأخرجه أبو داود، النكاح، باب: في نكاح العبد بغير إذن مواليه، ح: ٢٠٧٨ من حديث ابن عقيل به وصححه الحاكم: ١٩٤/٢ ووافقه الذهبي * وفي الباب عن ابن عمر [أبو داود، ح: ٢٠٧٩] ابن عقيل، تقدم: ١٢٨.

1112. (Another chain) Jābir bin ‘Abdullāh narrated that the Prophet ﷺ said: “Whichever slave gets married without the permission of his owner, then he is a fornicator.” (Da‘if)

This *Hadīth* is *Hasan Ṣaḥīḥ*.

١١١٢ - حَدَّثَنَا سَعِيدُ بْنُ يَحْيَى بْنُ سَعِيدٍ الْأُمَوِيُّ: حَدَّثَنَا أَبِي: حَدَّثَنَا ابْنُ جُرَيْجٍ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ بْنِ عَقِيلٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ قَالَ: «أَيُّمَا عَبْدٍ تَزَوَّجَ بَغَيْرِ إِذْنِ سَيِّدِهِ فَهُوَ عَاهِرٌ». هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: [إسناده ضعيف] وأخرجه أحمد: ٣٧٧/٣ عن يحيى بن سعيد القطان به وانظر الحديث السابق.

Comments:

It is agreed upon that a slave cannot marry without the permission of his master. If he marries without permission it will not be valid.

Chapter 22. What Has Been Related About Women's Dowries

1113. ‘Abdullāh bin ‘Āmr bin Rabī‘ah narrated from his father: “A woman from Banū Fazārah was married for (the dowry of) two sandals. So the Messenger of Allāh ﷺ said to her: ‘Do you approve of (exchanging) yourself and your wealth for two sandals?’ She said: ‘Yes.’” He said: “So he permitted it.” (Da‘if)

(He said:) There are narrations on this topic from ‘Umar, Abū Hurairah, Suhail bin Sa’d, Abū Sa‘eed, Anas, ‘Āishah, Jābir, and Abū Ḥadrad Al-Aslamī.

(Abū ‘Eisā said:) The *Hadīth* of ‘Āmir bin Rabī‘ah is a *Hasan Ṣaḥīḥ Hadīth*.

(المعجم ٢٢) - بَابُ مَا جَاءَ فِي مَهْوَرِ النِّسَاءِ (التحفة ٢١)

١١١٣ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ: وَحَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ وَمُحَمَّدُ بْنُ جَعْفَرٍ، قَالُوا: حَدَّثَنَا شُعْبَةُ عَنْ عَاصِمِ بْنِ عُبَيْدِ اللَّهِ، قَالَ: سَمِعْتُ عَبْدَ اللَّهِ بْنَ عَامِرٍ بْنِ رَبِيعَةَ عَنْ أَبِيهِ: أَنَّ امْرَأَةً مِنْ بَنِي فَزَارَةَ تَزَوَّجَتْ عَلَى تَعْلَيْنَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَرْضَيْتِ مِنْ نَفْسِكَ وَمَالِكَ بِنَعْلَيْنِ؟» قَالَتْ: نَعَمْ، قَالَ: فَأَجَازَهُ.

[قَالَ:] وفي الباب عن عَمَرَ وَأَبِي هُرَيْرَةَ وَسَهْلِ بْنِ سَعْدٍ وَأَبِي سَعِيدٍ وَأَنَسٍ وَعَائِشَةَ وَجَابِرٍ وَأَبِي حَذْرَدٍ الْأَسْلَمِيِّ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ عَامِرِ بْنِ رَبِيعَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

The people of knowledge disagreed over the dowry. Some of them said that the dowry is whatever (meaning the two parties in the marriage contract) agreed to. This is the saying of Sufyān Ath-Thawrī, Ash-Shāfi‘ī, Aḥmad, and Ishāq.

Mālik bin Anas said: “The dowry is not to be less than four Dīnār.” Some of the people of Al-Kūfah said that the dowry is not to be less than ten Dirham.

وَاخْتَلَفَ أَهْلُ الْعِلْمِ فِي الْمَهْرِ، فَقَالَ بَعْضُهُمْ: الْمَهْرُ عَلَى مَا تَرَاضُوا عَلَيْهِ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ. وَقَالَ مَالِكُ بْنُ أَنَسٍ: لَا يَكُونُ الْمَهْرُ أَقَلَّ مِنْ رُبْعِ دِينَارٍ. وَقَالَ بَعْضُ أَهْلِ الْكُوفَةِ: لَا يَكُونُ الْمَهْرُ أَقَلَّ مِنْ عَشْرَةِ دَرَاهِمٍ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، النكاح، باب صداق النساء، ح: ١٨٨٨ من حديث عاصم بن عبيد الله به وهو ضعيف * وفي الباب عن عمر [يأتي: ١١١٤م] وأبي هريرة [مسلم، ح: ١٤٢٤] وسهيل بن سعد [يأتي: ١١١٤] وأبي سعيد [الدارقطني: ٢٤٤/٣] والبيهقي [أنس [يأتي: ١٩٣٣] وعائشة [أحمد: ٨٢/٦] وجابر [أبو داود، ح: ٢١١٠] وأبي حنبل الأسلمي [أحمد: ٤٤٨/٣].

Comments:

The Prophet ﷺ has not prescribed the amount of dowry, but for most of his wives the amount of dowry was five hundred Dirham. People fixed varied amounts as a dowry and the Prophet ﷺ did not stop them by fixing less or higher amounts. An-Najāshī paid four thousand Dīnār on behalf of the Prophet ﷺ as the dowry of Umm Ḥabibah. The dowry is not only an amount that is to be fixed, but it is to be paid to the wife and its payment is an obligation.

Chapter 23. Something Else

1114. Sahl bin Sa‘d As-Sā‘idī narrated that a woman came to the Messenger of Allāh ﷺ and said: “I present myself to you (for marriage).” So she stood for a long time. Then a man said: “O Messenger of Allāh! Marry her to me if you have no need of her.” So he said: “Do you have anything to give her as a dowry?” He said: “I have nothing except this *Izār*.” So the Messenger of Allāh ﷺ said: “If you give her your *Izār* then you will have no *Izār*, so search for something.” He said: “I did not find anything.” He said: “Search for

(المعجم ٢٣) - [باب منه] (التحفة ٢٢)

١١١٤ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ: حَدَّثَنَا إِسْحَاقُ بْنُ عِيسَى وَعَبْدُ اللَّهِ بْنُ نَافِعٍ [الصَّائِغُ]، قَالَا: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنْ أَبِي حَازِمٍ بْنِ دِينَارٍ، عَنْ سَهْلِ بْنِ سَعْدٍ السَّاعِدِيِّ: أَنَّ رَسُولَ اللَّهِ ﷺ جَاءَتْهُ امْرَأَةٌ فَقَالَتْ: إِنِّي وَهَبْتُ نَفْسِي لَكَ، فَقَامَتْ طَوِيلًا، فَقَالَ رَجُلٌ: يَا رَسُولَ اللَّهِ! زَوِّجْنِيهَا إِنْ لَمْ يَكُنْ لَكَ بِهَا حَاجَةٌ. فَقَالَ: «هَلْ عِنْدَكَ مِنْ شَيْءٍ تُصَدِّقُهَا؟» فَقَالَ: مَا عِنْدِي إِلَّا إِزَارِي هَذَا. فَقَالَ رَسُولُ اللَّهِ ﷺ:

something, even if it is just an iron ring.” He said: So he searched but he did not find anything. The Messenger of Allāh ﷺ said: “Do you have any Qur’ān (memorized)?” He said: “Yes. This *Sūrat* and that *Sūrat*” and he named the *Sūrat*. So the Messenger of Allāh ﷺ said: “I marry her to you for what you have (memorized) of the Qur’ān.” (*Ṣaḥīḥ*)

(Abū ‘Eīsā said:) This *Hadīth* is *Ḥasan Ṣaḥīḥ*. Ash-Shāfi‘ī followed this *Hadīth*, he said: “If he does not have anything to give to her, and he marries her for a *Sūrat* of the Qur’ān, then the marriage is acceptable and he is to teach her the *Sūrat* of the Qur’ān.”

Some of the people of knowledge said that the marriage is allowed if he gives her a dowry of its like.

This is the saying of the people of Al-Kūfah, Aḥmad, and Ishāq.

تخریج: متفق علیه، وأخرجه البخاري، النكاح، باب: السلطان ولي لقول النبي ﷺ: زوجناها بما معك من القرآن، ح: ٥١٣٥ من حديث مالك ومسلم، ح: ١٤٢٥ من حديث أبي حازم به وهو في الموطأ (يحيى): ٥٢٦/٢.

1114. B. Abū Al-‘Ajfā’ (As-Sulamī) said: “Umar bin Al-Khaṭṭāb said: ‘Do not exaggerate in the dowries of women. If doing so was honorable in the world or *Taqwā* before Allāh then Allāh’s Prophet ﷺ would have been the first of you to do it. I do not know of the Messenger of Allāh ﷺ marrying any of his women, nor giving any of his daughters in marriage, for more than twelve *Uqiyah*.’” (*Ḥasan*)

«إِذَا رَكَ إِنْ أُعْطِيَتْهَا جَلَسَتْ وَلَا إِذَا رَكَ فَلْتَمَسْنَ شَيْئًا». قَالَ: مَا أَجِدُ. قَالَ «الْتَمَسْنَ وَلَوْ خَاتَمًا مِنْ حَدِيدٍ». قَالَ: فَلْتَمَسْنَ فَلَمْ يَجِدْ شَيْئًا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «هَلْ مَعَكَ مِنَ الْقُرْآنِ شَيْءٌ؟» قَالَ: نَعَمْ، سُورَةُ كَذَا، وَسُورَةُ كَذَا لِسُورٍ سَمَّاهَا فَقَالَ رَسُولُ اللَّهِ ﷺ: «رَوَّجْتُكُمَا بِمَا مَعَكَ مِنَ الْقُرْآنِ».

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ ذَهَبَ الشَّافِعِيُّ إِلَى هَذَا الْحَدِيثِ، فَقَالَ إِنْ لَمْ يَكُنْ لَهُ شَيْءٌ يُضِدُّهَا، فَتَزَوَّجَهَا عَلَى سُورَةٍ مِنَ الْقُرْآنِ، فَالنِّكَاحُ جَائِزٌ، وَيُعْلَمُهَا سُورَةٌ مِنَ الْقُرْآنِ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: النِّكَاحُ جَائِزٌ، وَيَجْعَلُ لَهَا صَدَاقَ مِثْلِهَا. وَهُوَ قَوْلُ أَهْلِ الْكُوفَةِ وَأَحْمَدَ وَإِسْحَاقَ.

١١١٤ م - حَدَّثَنَا ابْنُ أَبِي عَمْرٍو: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ أَيُّوبَ، عَنِ ابْنِ سِيرِينَ، عَنْ أَبِي الْعَجْفَاءِ [السُّلَمِيِّ] قَالَ: قَالَ عُمَرُ بْنُ الْخَطَّابِ: «أَلَا لَا تُعَالُوا صَدَقَةَ النِّسَاءِ، فَإِنَّهَا لَوْ كَانَتْ مَكْرُمَةً فِي الدُّنْيَا أَوْ تَقْوَى عِنْدَ اللَّهِ، لَكَانَ أَوْلَاكُمْ بِهَا نَبِيُّ اللَّهِ ﷺ. مَا عَلِمْتُ رَسُولَ اللَّهِ ﷺ نَكَحَ شَيْئًا مِنْ نِسَائِهِ، وَلَا أَنْكَحَ شَيْئًا مِنْ بَنَاتِهِ عَلَى أَكْثَرِ مِنْ ثِنْتَيْ عَشْرَةِ أُوقِيَّةً».

(Abū 'Eisā said:) This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. Abū Al-'Ajfā' As-Sulamī's name is Haram, and a *Uqiyah* – according to the people of knowledge – is forty Dirham, so twelve *Uqiyah* is four hundred and eighty Dirham.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَأَبُو الْعَجْفَاءِ السُّلَمِيُّ، اسْمُهُ: هَرَمٌ. وَالْوَقِيَّةُ - عِنْدَ أَهْلِ الْعِلْمِ -: أَرْبَعُونَ دِرْهَمًا، وَثِنْتَا عَشْرَةَ وَقِيَّةً: أَرْبَعُمِائَةٌ وَثَمَانُونَ دِرْهَمًا.

تخريج: [إسناده حسن] وأخرجه أبو داود، النكاح، باب الصداق، ح: ٢١٠٦ من حديث أيوب السخيتاني به * محمد بن سيرين سمعه من أبي العجفاء [أحمد: ٤٠٧/١ وغيره] ومن ابن أبي العجفاء فالطريقان محفوظان كما حققته في تخريج مسند الحميدي، ح: ٢٣ والحديث صحيحه ابن حبان [الإحسان]: ٤٦٠١ والحاكم: ١٧٥/٢، ١٧٦.

Comments:

According to a *Ṣaḥīḥ*, narration the point of view of Imām *Shafi'i* is correct. If a person has nothing to pay as dowry he can pay in the form of teaching Qur'ān. (*Faṭh Al-Bārī* v.9. p.267) In the narration of 'Aīshah the amount of dowry is five hundred Dirham. 'Umar has disregarded 20 Dirham. (1/2 *Uqiyah*) Some say the dowry of Umm Ḥabībah paid by Najāshī was four hundred Dirham and some say four hundred Dinār. (*Ma'ārif Al-Ḥadīth* v.7. p 26.)

Chapter 24. What Has Been Related About A Man Who Emancipates A Slave Woman, Then Marries Her

1115. Anas bin Mālik narrated: "The Messenger of Allāh ﷺ emancipated Ṣafiyyah and he made her emancipation her dowry." (*Ṣaḥīḥ*)

(He said:) There is something on this topic from Ṣafiyyah.

(Abū 'Eisā said:) The *Ḥadīth* of Anas is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. It is the view of *Ash-Shāfi'ī*, *Aḥmad*, and *Ishāq*.

Some of the people of knowledge disliked considering her emancipation to be her dowry, to the extent that he should give her a dowry besides freeing her. The first view is more correct.

(المعجم ٢٤) - بَابُ مَا جَاءَ فِي الرَّجُلِ يُعْتِقُ الْأَمَةَ ثُمَّ يَتَزَوَّجُهَا (التحفة ٢٣)

١١١٥ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ قَتَادَةَ وَعَبْدِ الْعَزِيزِ بْنِ صُهَيْبٍ، عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ رَسُولَ اللَّهِ ﷺ أَعْتَقَ صَفِيَّةً، وَجَعَلَ عِتْقَهَا صَدَاقًا.

[قَالَ:] وَفِي الْبَابِ عَنْ صَفِيَّةَ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَنَسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ. وَكَرِهَ بَعْضُ أَهْلِ الْعِلْمِ أَنْ يُجْعَلَ عِتْقُهَا صَدَاقًا، حَتَّى يَجْعَلَ لَهَا مَهْرًا سِوَى الْعِتْقِ. وَالْقَوْلُ الْأَوَّلُ أَصَحُّ.

تخريج: متفق عليه، وأخرجه مسلم، النكاح، باب فضيلة إعتاقه أمته ثم يتزوجها، ح: ١٣٦٥ - ٨٥ بعد ح: ١٤٢٧ عن قتبية والبخاري، ح: ٥٠٨٦ من طريق آخر من حديث أنس به * وفي الباب عن صفية [الطبراني في الكبير: ٧٣/٢٤، ٧٤، ح: ١٩٤].

Comments:

Manumission of a slave is an act of great reward and honor. Freedom also brings monetary benefits to a slave or slave woman. So freedom being a monetary benefit can serve as a dowry, and this is the sense of the narration.

Chapter 25. What Has Been Related About The Virtue Of That

1116. Abū Burdah bin Abī Mūsā narrated from his father that the Messenger of Allāh ﷺ said: "Three will receive their reward twice: A slave who fulfills the rights of Allāh and the rights of his owners, then he will be given his reward twice. And a man who has a beautiful slave girl, so he teaches her good manners, then he frees her, then he marries her seeking the Face of Allāh by that; then he will be given his reward twice. And a man who believed in an earlier Book, then another Book came to him and he believed in it; then he will be given his reward twice." (*Ṣaḥīḥ*)

(Another chain) from Abū Mūsā, from the Prophet ﷺ and it is similar in meaning.

(Abū 'Eīsā said:) The *Ḥadīth* of Abū Mūsā is a *Ḥasan Ṣaḥīḥ Ḥadīth*. Abū Burdah bin Abī Mūsā's name is 'Āmir bin 'Abdullāh bin Qais. Shu'bah and Sufyān Ath-Thawrī reported this *Ḥadīth* from Ṣāliḥ bin Ṣāliḥ bin Ḥayy. (And Ṣāliḥ bin Ṣāliḥ bin Ḥayy is the father of Al-Ḥasan bin Ṣāliḥ bin Ḥayy).

(المعجم ٢٥) - بَابُ مَا جَاءَ فِي الْفَضْلِ فِي ذَلِكَ (التحفة ٢٤)

١١١٦ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنِ الْفَضْلِ بْنِ يَزِيدَ، عَنِ الشَّعْبِيِّ، عَنْ أَبِي بُرْدَةَ بْنِ أَبِي مُوسَى، عَنْ أَبِيهِ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «ثَلَاثَةٌ يُؤْتَوْنَ أَجْرَهُمْ مَرَّتَيْنِ: عَبْدٌ آدَى حَقَّ اللَّهِ وَحَقَّ مَوْلَاهُ، فَذَلِكَ يُؤْتَى أَجْرُهُ مَرَّتَيْنِ: وَرَجُلٌ كَانَتْ عِنْدَهُ جَارِيَةٌ وَضِيئَةٌ فَأَدَّبَهَا فَأَحْسَنَ آدَبَهَا، ثُمَّ أَعْتَقَهَا، ثُمَّ تَزَوَّجَهَا: يَبْتَغِي بِذَلِكَ وَجْهَ اللَّهِ فَذَلِكَ يُؤْتَى أَجْرُهُ مَرَّتَيْنِ، وَرَجُلٌ آمَنَ بِالْكِتَابِ الْأَوَّلِ ثُمَّ جَاءَهُ الْكِتَابُ الْآخِرُ: فَأَمَنَ بِهِ فَذَلِكَ يُؤْتَى أَجْرُهُ مَرَّتَيْنِ».

حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ عَنْ صَالِحِ بْنِ صَالِحٍ - وَهُوَ ابْنُ حَيٍّ - عَنْ الشَّعْبِيِّ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى عَنِ النَّبِيِّ ﷺ، نَحْوَهُ بِمَعْنَاهُ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَبِي مُوسَى حَدِيثٌ حَسَنٌ صَحِيحٌ. وَأَبُو بُرْدَةَ بْنُ أَبِي مُوسَى، اسْمُهُ: عَامِرُ بْنُ عَبْدِ اللَّهِ بْنِ قَيْسٍ.

وَقَدْ رَوَى شُعْبَةُ وَسُفْيَانُ الثَّوْرِيُّ عَنْ صَالِحِ
ابْنِ صَالِحِ بْنِ حَيٍّ هَذَا الْحَدِيثَ، [وَصَالِحُ
ابْنِ صَالِحِ بْنِ حَيٍّ هُوَ وَالِدُ الْحَسَنِ بْنِ
صَالِحِ بْنِ حَيٍّ].

تخريج: متفق عليه، وأخرجه البخاري، النكاح، باب اتخاذ السراي، ومن أعتق جارية ثم تزوجها، ح: ٥٠٨٣ ومسلم، ح: ١٥٤ من حديث الشعبي به.

Comments:

For a slave to fulfill the rights of the master and rights of Allāh is a very difficult task. Similarly freeing a slave girl and bringing her to the status of a free woman, and marrying her is an uphill task, likewise believing in an earlier the Messenger of Allāh and the Book given to him, and then to believe in another Messenger and the Book that came to him is also very difficult. All these tasks are quite difficult, perplexing and against the ego of a human being. On the same analogy, the Christians and Jews refused to believe in the Prophet ﷺ and accept the faith. These three tasks are rewarded twice as, it requires one to cross the barrier of ego, pride and prejudice.

Chapter 26. What Has Been Related About A Person Who Marries A Woman, Then Divorces Her Before Having Intercourse With Her: Can He Marry Her Daughter Or Not?

(المعجم ٢٦) - بَابُ مَا جَاءَ فِيْمَنْ يَتَزَوَّجُ
الْمَرْأَةَ ثُمَّ يَطْلُقُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا هَلْ
يَتَزَوَّجُ ابْنَتَهَا، أَمْ لَا؟ (التحفة ٢٥)

1117. ‘Amr bin Shu‘aib narrated from his father, from his grandfather that the Prophet ﷺ said: “Whichever man married a woman and entered into her, then it is not lawful for him to marry her daughter. If he did not enter into her then he may marry her daughter. And whichever man married a woman and he entered into her, or he did not enter into her, then it is not lawful for him to marry her mother.” (*Da‘īf*)

Abū ‘Eīsā said: This *Ḥadīth* is not correct considering of its chain. It has only been reported by Ibn

١١١٧ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا ابْنُ لَهِيْعَةَ
عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ،
أَنَّ النَّبِيَّ ﷺ قَالَ: «أَيُّمَا رَجُلٍ نَكَحَ امْرَأَةً
فَدَخَلَ بِهَا، فَلَا يَحِلُّ لَهُ نِكَاحُ ابْنَتِهَا، وَإِنْ لَمْ
يَكُنْ دَخَلَ بِهَا فَلْيَنْكِحْ ابْنَتَهَا، وَأَيُّمَا رَجُلٍ
نَكَحَ امْرَأَةً فَدَخَلَ بِهَا أَوْ لَمْ يَدْخُلْ بِهَا فَلَا
يَحِلُّ لَهُ نِكَاحُ أُمِّهَا».

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ لَا يَصِحُّ مِنْ
قَبْلِ إِسْنَادِهِ وَإِنَّمَا رَوَاهُ ابْنُ لَهِيْعَةَ وَالْمُثَنَّى بْنُ
الصَّبَّاحِ عَنْ عَمْرِو بْنِ شُعَيْبٍ وَالْمُثَنَّى بْنُ

Lahī'ah and Al-Muthannā bin Aṣ-Ṣabbāḥ from 'Amr bin Shu'aib, and Al-Muthannā bin Aṣ-Ṣabbāḥ and Ibn Lahī'ah are both weak in *Hadīth*.

This is acted upon according to most of the people of knowledge, they said that when a man marries a woman and then he divorces her before having entered into her, then marrying her daughter is lawful for him. And when a man marries a daughter and he divorces her before having entered into her, then it is not lawful for him to marry her mother due to Allāh, Most High's Saying: Your wives' mothers.^[1] And this is the view of Ash-Shāfi'ī, Aḥmad and Ishāq.

الصَّبَاحِ وَابْنُ لَهَيْعَةَ يُضَعَّفَانِ فِي الْحَدِيثِ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ قَالُوا: إِذَا تَزَوَّجَ الرَّجُلُ امْرَأَةً ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا حَلَّ لَهُ أَنْ يَنْكِحَ ابْنَتَهَا، وَإِذَا تَزَوَّجَ الرَّجُلُ ابْنَتَهُ فَطَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا لَمْ يَحِلَّ لَهُ نِكَاحُ أُمِّهَا لِقَوْلِ اللَّهِ تَعَالَى: ﴿وَأُمَّهَاتُكُمُ﴾ [النساء: ٢٣] وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ.

تخريج: [إسناده ضعيف] وأخرجه البيهقي: ١٦٠/٧ من حديث ابن لهيعة به وعنن * حديث المثني، أخرجه البيهقي.

Comments:

Allāh has set up a condition of relationship on the daughter of the wife and said; "No prohibition if you have not gone in." There is no harm in marrying their daughters after divorcing them. But the mothers of the wives are forbidden without any condition of going in or not going in with them. It is not allowed to marry the mother of the wife in any condition.

Chapter 27. What Has Been Related About One Who Divorced His Wife Three Times, Then She Married Someone Else, And He Divorced Her Before Having Intercourse With Her

1118. 'Aishah narrated: "The wife of Rifā'ah Al-Qurẓī came to the Messenger of Allāh ﷺ and said: 'I was with Rifā'ah and he divorced

(المعجم ٢٧) - بَابُ مَا جَاءَ فِيمَنْ يُطَلِّقُ امْرَأَتَهُ ثَلَاثًا فَيَتَزَوَّجُهَا آخَرُ فَيُطَلِّقُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا (التحفة ٢٦)

١١١٨ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ وَإِسْحَاقُ ابْنُ مَنْصُورٍ قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ:

[1] *An-Nisā'* 4:23.

me irrevocably. Then I married ‘Abdur-Rahmān bin Az-Zubair, but he only has the likes of the fringe of a garment.’^[1] So he said: ‘Perhaps you want to return to Rifā‘ah? No, not until you taste his sweetness and he tastes your sweetness.’^[2] (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Ibn ‘Umar, Anas, Ar-Rumaiṣā’ or Al-Ghumaiṣā’, and Abū Hurairah.

(Abū ‘Eisā said:) The *Ḥadīth* of ‘Āishah is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to the people of knowledge in general among the Companions of the Prophet ﷺ and others. When a man divorces his wife three times then she marries a different husband and he divorces her before having entered into her, then she is not lawful to the first husband to marry while she has not had intercourse with the second one.

تخريج: متفق عليه، وأخرجه البخاري، باب شهادة المختبىء، ح: ٢٦٣٩ ومسلم، ح: ١٤٣٣ من حديث سفيان بن عيينة به * وفي الباب عن ابن عمر [النسائي، ح: ٣٤٤٣، ٣٤٤٤] وأنس [البيهقي: ٣٧٥/٧] والرميصاء أو الغميصاء [النسائي، ح: ٣٤٤٢] والطبراني في الكبير: ٣٥١/٢٤، ح: ٨٦٩] وأبي هريرة [عزاه المباركفوري إلى الطبراني وابن أبي شيبة، تحفة الأئمة: ١٨٥/٢].

Comments:

According to the Four *A‘immah* and religious scholars, if the second husband without having sexual intercourse, divorces her, it is not lawful to marry the first husband. According to Sa‘eed bin Musayyab, if a woman had married in a legal way, to live with the second husband, and not just to fulfill the condition of the second husband to marry the first husband again, and the second husband divorced her without having sexual intercourse, she can marry the first husband, but this point of view is against the *Ḥadīth*. He might not have heard this narration.

جَاءَتْ امْرَأَةٌ رِفَاعَةَ الْقُرْطُبِيِّ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ: إِنِّي كُنْتُ عِنْدَ رِفَاعَةَ فَطَلَّقَنِي فَبَتَّ طَلَاقِي، فَتَزَوَّجْتُ عَبْدَ الرَّحْمَنِ بْنِ الزَّيْبِرِ وَمَا مَعَهُ إِلَّا مِثْلُ هُدْبَةِ الثَّوْبِ فَقَالَ: «أَتُرِيدِينَ أَنْ تَرْجِعِي إِلَى رِفَاعَةَ؟ لَا، حَتَّى تَذُوقِي عُسَيْلَتَهُ وَيَذُوقَ عُسَيْلَتِكَ».

[قَالَ:] وَفِي الْبَابِ عَنْ ابْنِ عُمَرَ وَأَنْسٍ وَالرَّمِيصَاءِ أَوْ الْغُمِيصَاءِ وَأَبِي هُرَيْرَةَ.

[قَالَ أَبُو عِيْسَى:] حَدِيثُ عَائِشَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ عَامَّةِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، أَنَّ الرَّجُلَ إِذَا طَلَّقَ امْرَأَتَهُ ثَلَاثًا فَتَزَوَّجَتْ زَوْجًا غَيْرَهُ، فَطَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا، أَنَّهَا لَا تَحِلُّ لِلزَّوْجِ الْأَوَّلِ إِذَا لَمْ يَكُنْ جَامِعَهَا الزَّوْجَ الْآخَرَ.

[1] Meaning that he was impotent. See *Tuhfat Al-Aḥwadhī* and *Fath Al-Bārī* no. 5317.

[2] Meaning intercourse.

Chapter 28. What Has Been Related About The *Muḥill* And The One Who The *Muḥallal* Was Done For^[1]

1119. Jābir bin ‘Abdullāh and ‘Alī narrated: “The Messenger of Allāh ﷺ cursed the *Muḥill* and the one the *Muḥallal* was done for.” (*Da‘if*)^[2]

(He said:) There are narrations on this topic from Ibn Mas‘ūd, Abū Hurairah, ‘Uqbah bin ‘Āmir, and Ibn ‘Abbās.

Abū ‘Eīsā said: The *Hadīth* of ‘Alī and Jābir is defective. This is how Ash‘ath bin ‘Abdur-Raḥmān reported it from Mujālid from ‘Āmir (Ash-Sha‘bī), from Al-Hārith, from ‘Alī. And, from ‘Āmir, from Jābir bin ‘Abdullāh, from the Prophet ﷺ. The chain for this *Hadīth* is not supported because Mujālid bin Sa‘eed was graded weak by some of the people of knowledge, among them Aḥmad bin Ḥanbal. And ‘Abdullāh bin Numair reported this *Hadīth* from Mujālid, from ‘Āmir, from Jābir bin ‘Abdullāh, from ‘Alī. In this Ibn Numair was confused, the first narration is more correct. Mughīrah and Ibn Abī Khālid and others, reported it from Ash-Sha‘bī, from Al-Hārith, from ‘Alī.

(المعجم ٢٨) - بَابُ مَا جَاءَ فِي الْمُحِلِّ وَالْمُحَلَّلِ لَهُ (التحفة ٢٧)

١١١٩ - حَدَّثَنَا أَبُو سَعِيدٍ الْأَشْج: حَدَّثَنَا أَشْعَثُ بْنُ عَبْدِ الرَّحْمَنِ بْنِ زُبَيْدٍ الْأَيَامِيُّ: حَدَّثَنَا مُجَالِدٌ عَنِ الشَّعْبِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ وَعَنِ الْحَارِثِ، عَنْ عَلِيٍّ قَالَا: إِنَّ رَسُولَ اللَّهِ ﷺ لَعَنَ الْمُحِلَّ وَالْمُحَلَّلَ لَهُ.

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ مَسْعُودٍ وَأَبِي هُرَيْرَةَ وَعُقْبَةَ بْنِ عَامِرٍ وَابْنَ عَبَّاسٍ.

قَالَ أَبُو عِيسَى: حَدِيثُ عَلِيٍّ وَجَابِرٍ حَدِيثٌ مَغْلُوبٌ، وَهَكَذَا رَوَى أَشْعَثُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ مُجَالِدٍ، عَنْ عَامِرٍ [الشَّعْبِيِّ]، عَنْ الْحَارِثِ، عَنْ عَلِيٍّ وَعَامِرٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ، وَهَذَا حَدِيثٌ لَيْسَ إِسْنَادُهُ بِالْقَائِمِ لِأَنَّ مُجَالِدَ بْنَ سَعِيدٍ قَدْ ضَعَفَهُ بَعْضُ أَهْلِ الْعِلْمِ مِنْهُمْ أَحْمَدُ بْنُ حَنْبَلٍ وَرَوَى عَبْدُ اللَّهِ بْنُ نُمَيْرٍ هَذَا الْحَدِيثَ عَنْ مُجَالِدٍ، عَنْ عَامِرٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، عَنْ عَلِيٍّ. وَهَذَا قَدْ وَهَمَ فِيهِ ابْنُ نُمَيْرٍ. وَالْحَدِيثُ الْأَوَّلُ أَصَحُّ. وَقَدْ رَوَاهُ مُغِيرَةُ وَابْنُ أَبِي خَالِدٍ وَغَيْرُ وَاحِدٍ عَنِ الشَّعْبِيِّ، عَنِ الْحَارِثِ، عَنْ عَلِيٍّ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، النكاح، باب المحلل والمحلل له، ح: ١٩٣٥ من حديث مجالد به وهو ضعيف ولأصل الحديث شواهد كثيرة عند ابن ماجه وأبي داود،

[1] “The meaning of the *Muḥill* is the one who marries a woman, who was divorced three times, with the intent of divorcing her, or with the condition of making her lawful for her previous husband. And the one the *Muḥallal* was done for is the first husband.” (*Tuhfat Al-Aḥwadhī*).

[2] There are authentic versions which support this and the following narration.

ح: ٢٠٧٦ وغيرهما وانظر الحديث الآتي * وفي الباب عن ابن مسعود [يأتي: ١١٢٠] وأبي هريرة [أحمد: ٣٢٣/٢] وعقبة بن عامر [ابن ماجه، ح: ١٩٣٦] وابن عباس [ابن ماجه، ح: ١٩٣٤].

1120. ‘Abdullāh bin Mas‘ūd narrated: “The Messenger of Allāh ﷺ cursed the *Muḥill* and the one the *Muḥallal* was done for.” (*Da‘īf*)

(Abū ‘Eisā said:) This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. Abū Qais Al-Awdī’s name is ‘Abdur-Raḥmān bin Tharwān, and this *Ḥadīth* has been reported from the Prophet ﷺ through other routes.

This (*Ḥadīth*) is acted upon according to the scholars among the Companions of the Prophet ﷺ, among them are ‘Umar bin Al-Khaṭṭāb, ‘Uthmān bin ‘Affān, ‘Abdullāh bin ‘Amr, and others. This is the view of the *Fuqahā’* among the *Tābi‘īn* and it is the view of Sufyān Ath-Thawrī, Ibn Al-Mubārak, Ash-Shāfi‘ī, Aḥmad, and Ishāq.

(He said:) I heard Al-Jārūd (bin Mu‘ādh) mentioning that Wakī‘ held this view, and he said: “The view of the people of opinion on this topic must be cast aside.”^[1] (Al-Jārūd said:) “Wakī‘ said: ‘Sufyān said: “When (a man) marries a woman to make her lawful (for the previous husband) then it occurs to him to keep her, then it is not lawful for him to keep her until he has a new marriage with her.”’

١١٢٠ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ:

حَدَّثَنَا أَبُو أَحْمَدَ الزُّبَيْدِيُّ: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي قَيْسٍ، عَنْ هُرَيْلِ بْنِ شُرْحِبِيلٍ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ: لَعَنَ رَسُولُ اللَّهِ ﷺ الْمُحِلَّ وَالْمُحَلَّلَ لَهُ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَأَبُو قَيْسٍ الْأَوْدِيُّ اسْمُهُ عَبْدُ الرَّحْمَنِ بْنُ تَرَوَانَ، وَقَدْ رَوَى هَذَا الْحَدِيثَ عَنِ النَّبِيِّ ﷺ مِنْ غَيْرِ وَجْهِ. وَالْعَمَلُ عَلَى هَذَا [الْحَدِيثِ] عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ مِنْهُمْ عَمْرُ بْنُ الْخَطَّابِ وَعُثْمَانُ بْنُ عَفَّانَ وَعَبْدُ اللَّهِ بْنُ عَمْرٍو وَغَيْرُهُمْ. وَهُوَ قَوْلُ الْفُقَهَاءِ مِنَ التَّابِعِينَ وَبِهِ يَقُولُ سُفْيَانُ الثَّوْرِيُّ وَابْنُ الْمُبَارَكِ وَالشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ [قَالَ]: وَسَمِعْتُ الْجَارُودَ [بْنَ مُعَاذٍ] يَذْكُرُ عَنْ وَكَيْعٍ أَنَّهُ قَالَ بِهَذَا وَقَالَ: يَنْبَغِي أَنْ يُرْمَى بِهَذَا الْبَابِ مِنْ قَوْلِ أَصْحَابِ الرَّأْيِ. [قَالَ جَارُودٌ]: قَالَ وَكَيْعٌ: وَقَالَ سُفْيَانُ إِذَا تَزَوَّجَ [الرَّجُلُ] الْمَرْأَةَ لِيُحَلِّلَهَا ثُمَّ بَدَأَ لَهُ أَنْ يُمَسِكَهَا فَلَا يَحِلُّ لَهُ أَنْ يُمَسِكَهَا، حَتَّى يَتَزَوَّجَهَا بِنِكَاحٍ جَدِيدٍ.

تخريج: [إسناده ضعيف] وأخرجه النسائي: ١٤٩/٦، ح: ٣٤٤٥ (الطلاق، باب إحلال المطلقة ثلاثاً وما فيه من التغليظ) من حديث سفیان الثوري به وعنن، وانظر الحديث السابق.

^[1] That is, the view that the marriage is valid even if the man intended to divorce the woman to make her lawful to the previous husband.

Comments:

Marrying a second husband for the sake of getting married again to the first husband, is not lawful according to this narration. No Muslim is allowed to go against the divine law. The Prophet ﷺ said he who acts against the law, then he is reprobated.

Chapter 29. What Has Been Related About (The Prohibition of) *Mut'ah*

1121. 'Alī bin Abī Ṭālib narrated: "The Prophet ﷺ prohibited *Mut'ah* with women, and the meat of domestic donkeys during (the campaign of) *Khaibar*." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Sabrah Al-Juhnī and Abū Hurairah.

(Abū 'Eīsā said:) The *Ḥadīth* of 'Alī is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. It is only from Ibn 'Abbās that something about permitting *Mut'ah* has been narrated, then he reverted from his opinion when he was informed of this from the Prophet ﷺ. Most of the people of knowledge ordered the prohibition of *Mut'ah*, and it is the view of Ath-Thawrī, Ibn Al-Mubārak, Ash-Shāfi'ī, Aḥmad, and Ishāq.

(المعجم ٢٩) - بَابُ مَا جَاءَ فِي
[تَحْرِيمِ] نِكَاحِ الْمُتْعَةِ (التحفة ٢٨)

١١٢١ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا
سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللَّهِ وَالْحَسَنِ
ابْنَيْ مُحَمَّدِ بْنِ عَلِيٍّ، عَنْ أَبِيهِمَا، عَنْ عَلِيٍّ
ابْنِ أَبِي طَالِبٍ أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ مُتْعَةِ
النِّسَاءِ وَعَنْ لُحُومِ الْحُمُرِ الْأَهْلِيَّةِ زَمَنَ خَيْبَرَ.
[قَالَ:] وَفِي الْبَابِ عَنْ سَبْرَةَ الْجُهَنِيِّ
وَأَبِي هُرَيْرَةَ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ عَلِيٍّ حَدِيثٌ
حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ
الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، وَإِنَّمَا
رَوَى عَنْ ابْنِ عَبَّاسٍ شَيْءٌ مِنَ الرُّخْصَةِ فِي
الْمُتْعَةِ، ثُمَّ رَجَعَ عَنْ قَوْلِهِ حَيْثُ أُخْبِرَ عَنِ
النَّبِيِّ ﷺ، وَأَمُرُ أَكْثَرِ أَهْلِ الْعِلْمِ عَلَى تَحْرِيمِ
الْمُتْعَةِ وَهُوَ قَوْلُ الثَّوْرِيِّ وَابْنِ الْمُبَارَكِ
وَالشَّافِعِيِّ وَأَحْمَدُ وَإِسْحَاقُ.

تخريج: متفق عليه، وأخرجه البخاري، النكاح، باب نهي النبي ﷺ عن نكاح المتعة أخيراً،
ح: ٥١١٥ ومسلم، ح: ١٤٠٧ من حديث سفيان بن عيينة به * وفي الباب عن سيرة الجهنبي
[مسلم، ح: ١٤٠٦] وأبي هريرة [الدارقطني: ٢٥٩/٤ وابن حبان، ح: ١٢٦٧].

Comments:

Mut'ah is unlawful in every condition or situation. In the beginning of Islam during war, being away from home and in unavoidable conditions it was permitted, but at the time of the Farewell *Hajj* (*Hajjatul-Wada'*) it was declared unlawful, and the temporary permission was abrogated.

1122. Muḥammad bin Ka'b narrated that Ibn 'Abbās said: "Mut'ah was only during the beginning of Islām. A man would arrive in a land that he was not familiar with so he would marry a woman for the extent of time that he thought he would remain there. So his Mut'ah was upheld and his case was fine until the (following) Āyah was revealed: Except their wives or what their right hands possess.^[1] Then every private part other than those became unlawful." (Da'īf)

١١٢٢ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا سُفْيَانُ بْنُ عُقْبَةَ أَخُو قَبِيصَةَ بْنِ عُقْبَةَ: حَدَّثَنَا سُفْيَانُ الثَّوْرِيُّ عَنْ مُوسَى بْنِ عُبَيْدَةَ، عَنْ مُحَمَّدِ بْنِ كَعْبٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: إِنَّمَا كَانَتْ الْمُتْعَةُ فِي أَوَّلِ الْإِسْلَامِ، كَانَ الرَّجُلُ يَقْدُمُ الْبَلَدَ لَيْسَ لَهُ بِهَا مَعْرِفَةٌ، فَيَتَزَوَّجُ الْمَرْأَةَ بِقَدْرِ مَا يَرَى أَنَّهُ يُقِيمُ فَتَحْفَظُ لَهُ مَتَاعَهُ وَتُضْلِحُ لَهُ شَيْئَهُ حَتَّى إِذَا نَزَلَتِ الْآيَةُ ﴿إِلَّا عَلَى أَزْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ﴾ [المؤمنون: ٦] قَالَ ابْنُ عَبَّاسٍ: فَكُلُّ فَرْجٍ سِوَاهُمَا فَهُوَ حَرَامٌ.

تخريج: [إسناده ضعيف] وأخرجه البيهقي: ٢٠٥، ٢٠٦ من حديث سفیان بن عقیبة به *

موسى بن عبيدة: ضعيف.

Comments:

The issue and its subject matter which Ibn Abbās has described, belongs to the pre-Islamic era, and after the advent of Islam, when the Islamic Divine Law was still being revealed to the Prophet ﷺ, this custom of the pre-Islamic era was still in existence in beginning of Islam. This issue of Mut'ah was totally terminated with the Verse of the Qur'an revealed in Makkah that only the wife and the slave girl are lawful for sexual intercourse. A woman under Mut'ah is neither a wife nor a slave girl, and it is agreed upon that she cannot be an heir.

Chapter 30. What Has Been Related About The Prohibition Of The *Shigār* Marriage

1123. 'Imrān bin Ḥusain narrated that the Prophet ﷺ said: "There is no *Jalab*, no *Janab*,^[2] and no

(المعجم ٣٠) - بَابُ مَا جَاءَ فِي النَّهْيِ

عَنْ نِكَاحِ الشَّغَارِ (التحفة ٢٩)

١١٢٣ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ ابْنُ أَبِي الشَّوَارِبِ: حَدَّثَنَا بِشْرُ بْنُ

^[1] Al-Mu'minūn 23:6.

^[2] "Jalab and Janab can occur in racing and in Zakāt. As for the Jalab in racing, it is when a man follows his horse shouting and screaming at it in order to drive and encourage it on. Janab is when he has a horse next to his horse, so that when the one he is riding tires he can change to (the other one). Jalab in Zakāt is when the Zakāt collector does not come close to the people, but he halts somewhere and sends someone who will fetch the wealth for him from its different locations so that he can take the charities from them, and Janab is when the owner of the wealth keeps it at such a distance from where he is, that the collector has to go far away to get it." (Tuhfat Al-Aḥwadhī).

Shighār in Islām. And whoever takes some property by force, then he is not from us.” (*Ṣaḥīḥ*)

(Abū ‘Eīsā said:) This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. (He said:) There are narrations on this topic from Anas, Abū Raiḥānah, Ibn ‘Umar, Jābir, Mu‘āwiyah, Abū Hurairah, and Wā’il bin Ḥujr.

الْمُفْضَلُ: حَدَّثَنَا حُمَيْدٌ - وَهُوَ الطَّوِيلُ - قَالَ: حَدَّثَ الْحَسَنُ عَنْ عِمْرَانَ بْنِ حُصَيْنٍ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا جَلَبَ وَلَا جَنْبَ وَلَا شَعَارَ فِي الْإِسْلَامِ، وَمَنْ انْتَهَبَ نُهْبَةً فَلَيْسَ مِنَّا».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. [قَالَ:] وَفِي الْبَابِ عَنْ أَنَسٍ وَأَبِي رَيْحَانَةَ وَابْنِ عُمَرَ وَجَابِرٍ وَمُعَاوِيَةَ وَأَبِي هُرَيْرَةَ وَوَائِلِ بْنِ حُجْرٍ.

تخريج: [صحيح] وأخرجه أبو داود، الجهاد، باب: في الجلب على الخيل في السباق، ح: ٢٥٨١ (وابن ماجه، ح: ٣٩٣٧ وغيره) من حديث بشر بن المفضل به وصححه ابن حبان، ح: ١٥٠٢ - ١٥٠٤ والمؤلف، ح: ١٤٤٨ وغيرهما وله شواهد عند أبي داود، ح: ٤٣٩١، ٤٣٩٢ وغيره * وفي الباب عن أنس [ابن ماجه، ح: ١٨٨٥ وابن حبان، ح: ١٢٦٩] وأبي ريحانة [ابن عدي في الكامل: ٧٩٩/٢] وابن عمر [يأتي: ١١٢٤] وجابر [مسلم، ح: ١٤١٧] ومعاوية [أبو داود، ح: ٢٠٧٥] وأبي هريرة [مسلم، ح: ١٤١٦] ووائل بن حجر [البزار (كشف): ١٦٦/٢، ح: ١٤٤٠].

Comments:

Shighār means marriage of reciprocity. It is not allowed that the guardian of a woman or girl marry her in exchange of another woman to marry him. Islamic law does not allow such type of marriages.

1124. Ibn ‘Umar narrated: “The Prophet ﷺ prohibited *Shighār*.” (*Ṣaḥīḥ*)

(Abū ‘Eīsā said:) This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. This is acted upon according to this people of knowledge in general. They do not allow the *Shighār* marriage. *Shighār* is when a man gives his daughter in marriage in exchange for marrying the other man’s daughter or sister and no dowry is exchanged

١١٢٤ - حَدَّثَنَا إِسْحَاقُ بْنُ مُوسَى الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنٌ: حَدَّثَنَا مَالِكٌ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ الشَّعَارِ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ غَاثَةِ أَهْلِ الْعِلْمِ لَا يَزَوْنِ نِكَاحَ الشَّعَارِ. وَالشَّعَارُ أَنْ يَزَوِّجَ الرَّجُلُ ابْنَتَهُ عَلَى أَنْ يَزَوِّجَهُ الْآخَرُ ابْنَتَهُ

between them. Some of the people of knowledge said that the *Shighār* marriage is annulled and it is not lawful even if they gave them a dowry. This is the view of Ash-Shāfi'i, Aḥmad and Ishāq. It has been reported that 'Aṭā' bin Abī Rabāḥ said: "They marry them simultaneously, and they set the same dowry." This is the view of the people of Al-Kūfah.

أَوْ أُخْتَهُ وَلَا صَدَاقَ بَيْنَهُمَا. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: نِكَاحُ الشَّغَارِ مَفْسُوحٌ وَلَا يَحِلُّ وَإِنْ جَعَلَ لَهُمَا صَدَاقًا، وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ. وَرُوِيَ عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ [أَنَّهُ] قَالَ: يُقْرَانِ عَلَى نِكَاحِهِمَا، وَيُجْعَلُ لَهُمَا صَدَاقُ الْمِثْلِ، وَهُوَ قَوْلُ أَهْلِ الْكُوفَةِ.

تخريج: متفق عليه، وأخرجه البخاري، النكاح، باب الشغار، ح: ٥١١٢ ومسلم، ح: ١٤١٥ من حديث مالك به وهو في الموطأ (يحيى): ٥٣٥/٢.

Chapter 31. What Has Been Related About: A Woman Should Not Be Married Along With Her Paternal Aunt Nor Her Maternal Aunt

(المعجم ٣١) - بَابُ مَا جَاءَ لَا تُنْكَحُ الْمَرْأَةُ عَلَى عَمَّتِهَا وَلَا عَلَى خَالَتِهَا (التحفة ٣٠)

1125. Ibn 'Abbās narrated: "The Prophet ﷺ prohibited marrying a woman along with her paternal aunt or along with her maternal aunt." (*Ṣaḥīḥ*)

Abū Ḥarīz's (a narrator in the chain of this *Ḥadīth*) name is 'Abdullāh bin Ḥusain.

(Another chain) from Abū Hurairah, and it is similar.

(He said:) There are narrations on this topic from 'Alī, Ibn 'Umar, 'Abdullāh bin 'Amr, Abū Sa'eed, Abū Umāmah, Jābir, 'Āishah, Abū Mūsā, and Samurah bin Jundab.

١١٢٥ - حَدَّثَنَا نَضْرُ بْنُ عَلِيٍّ الْجَهْضَمِيُّ: حَدَّثَنَا عَبْدُ الْأَعْلَى [بْنُ عَبْدِ الْأَعْلَى]: حَدَّثَنَا سَعِيدُ بْنُ أَبِي عَرُوبَةَ عَنْ أَبِي حَرِيرٍ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ تَزْوُجِ الْمَرْأَةِ عَلَى عَمَّتِهَا أَوْ عَلَى خَالَتِهَا.

وَأَبُو حَرِيرٍ اسْمُهُ عَبْدُ اللَّهِ بْنُ حُسَيْنٍ.

حَدَّثَنَا نَضْرُ بْنُ عَلِيٍّ: حَدَّثَنَا عَبْدُ الْأَعْلَى عَنْ هِشَامِ بْنِ حَسَّانَ، عَنِ ابْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ. [قَالَ:] وَفِي الْبَابِ عَنْ عَلِيٍّ وَابْنِ عُمَرَ وَعَبْدَ اللَّهِ بْنِ عَمْرٍو وَأَبِي سَعِيدٍ وَأَبِي أُمَامَةَ وَجَابِرٍ وَعَائِشَةَ وَأَبِي مُوسَى وَسَمُرَةَ بْنِ جُنْدَبٍ.

تخريج: [صحيح] وأخرجه أحمد: ٣٧٢/١ من حديث سعيد به وله طريق آخر عند أبي داود، ح: ٢٠٦٧ وللحديث شواهد عند البخاري، ح: ٥١٠٩ ومسلم، ح: ١٤٠٨ وغيرهما * حديث هشام، أخرجه مسلم، ح: ٣٨/١٤٠٨ * وفي الباب عن علي [أحمد: ١/٧٨] وابن عمر [العقيلي في الضعفاء: ١/١٨٥] وعبد الله بن عمرو [أحمد: ٢/١٨٩] وأبي سعيد [أحمد: ٣/٦٧] وأبي أمامة [الخطيب في الموضح: ٣/٣١٥] وأبو يعلى، ح: ٤٧٥٧ وأصله عند الحاكم: ٤/٣٤٩ وجابر [البخاري، ح: ٥١٠٨] وعائشة [الخطيب في الموضح: ٣/٣٨٥] وأبي موسى [ابن ماجه، ح: ١٩٣١] وسمرة بن جندب [البخاري في التاريخ الكبير: ١/٤٣].

1126. Abū Hurairah narrated: “The Messenger of Allāh ﷺ prohibited that a woman be married along with her paternal aunt, or the paternal aunt along with her brother’s daughter, or a woman with her maternal aunt, or the maternal aunt along with her sister’s daughter, and the younger^[1] is not to be married with the older,^[2] nor the older with the younger.” (*Ṣaḥīḥ*)

(Abū ‘Eīsā said:) The *Ḥadīth* of Ibn ‘Abbās and Abū Hurairah is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to the people of knowledge in general. We do not know of any disagreement among them. It is not lawful for a man to be married to a woman and her paternal or maternal aunt at the same time. If he marries a woman along with her paternal or maternal aunt, or, a paternal aunt along with her brother’s daughter, then the second of the two marriage is annulled. This is the view of the people of knowledge in general.

١١٢٦ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ [الْخَلَّالُ]: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: حَدَّثَنَا دَاوُدُ بْنُ أَبِي هِنْدٍ: حَدَّثَنَا عَامِرٌ عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى أَنْ تُنَكَحَ الْمَرْأَةُ عَلَى عَمَّتِهَا أَوْ أَلْعَمَّةُ عَلَى بِنْتِ أُخِيهَا أَوْ الْمَرْأَةُ عَلَى خَالَتِهَا، أَوْ الْخَالََّةُ عَلَى بِنْتِ أُخْتِهَا، وَلَا تُنَكَحُ الصَّغْرَى عَلَى الْكُبْرَى، وَلَا الْكُبْرَى عَلَى الصَّغْرَى.

[قَالَ أَبُو عِيسَى:] حَدِيثُ ابْنِ عَبَّاسٍ وَأَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ عَامَّةِ أَهْلِ الْعِلْمِ، لَا تَعْلَمُ بَيْنَهُمْ اخْتِلَافًا، أَنَّهُ لَا يَجُزُّ لِلرَّجُلِ أَنْ يَجْمَعَ بَيْنَ الْمَرْأَةِ وَعَمَّتِهَا أَوْ خَالَتِهَا، فَإِنْ نَكَحَ امْرَأَةً عَلَى عَمَّتِهَا أَوْ خَالَتِهَا أَوْ أَلْعَمَّةَ عَلَى بِنْتِ أُخِيهَا، فَيَكَاخُ الْأُخْرَى مِنْهُمَا مَفْسُوحٌ، وَبِهِ يَقُولُ عَامَّةُ أَهْلِ الْعِلْمِ.

[1] “That is the sister’s daughter or the brother’s daughter (i.e., the niece), and she is called ‘the younger’ because she holds the status like that of the daughter.” (*Tuhfat Al-Aḥwadhī*).

[2] “Meaning the paternal or maternal aunt.” (*Tuhfat Al-Aḥwadhī*).

Abū 'Eīsā said: Ash-Sha'bī saw Abū Hurairah and he reported from him. I asked Muḥammad about this and he said: "Correct."

Abū 'Eīsā said: Ash-Sha'bī (also) reported from a man, from Abū Hurairah.

قَالَ أَبُو عِيسَى: أَذْرَكَ الشَّعْبِيُّ أَبَا هُرَيْرَةَ
وَرَوَى عَنْهُ، وَسَأَلْتُ مُحَمَّدًا عَنْ هَذَا، فَقَالَ:
صَحِيحٌ.

قَالَ أَبُو عِيسَى: وَرَوَى الشَّعْبِيُّ عَنْ
رَجُلٍ، عَنْ أَبِي هُرَيْرَةَ.

تخريج: [إسناده صحيح] وأخرجه أبو داود، النكاح، باب ما يكره أن يجمع بينهما من النساء، ح: ٢٠٦٥ من حديث داود به وعلقه البخاري، ح: ٥١٠٨ وصححه ابن حبان (الإحسان): ٤١٠٦ وابن الجارود، ح: ٦٨٥.

Comments:

All Sunnies agree on this point that it is not allowed for a man to marry parental aunt and her niece both and similarly the maternal aunt and her niece cannot be married to a man. But amongst the Shi'ites such marriages are allowed!!.

Chapter 32. What Has Been Related About Conditions When Contracting A Marriage

(المعجم ٣٢) - بَابُ مَا جَاءَ فِي الشَّرْطِ
عِنْدَ عَقْدَةِ النِّكَاحِ (التحفة ٣١)

1127. 'Uqbah bin 'Āmir Al-Juhani narrated that the Messenger of Allāh ﷺ said: "Indeed the conditions most deserving to be fulfilled are those that make the private parts lawful among you." (*Ṣaḥīḥ*)

(Another chain with similar narration)
(Abū 'Eīsā said:) This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ. Among them is 'Umar bin Al-Khaṭṭāb: When a man marries a woman, and he makes the condition for her that he will not take her out of her land, then he is not to take her out. This is the saying of some of the people of knowledge. It is the view of Ash-Shāfi'i, Aḥmad, and Ishāq.

١١٢٧ - حَدَّثَنَا يُوسُفُ بْنُ عِيسَى:
حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا عَبْدُ الْحَمِيدُ بْنُ جَعْفَرٍ
عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ مَرْثَدِ بْنِ عَبْدِ
اللهِ الْيَزَنِيِّ أَبِي الْخَيْرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ
الْجُهَنِيِّ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِنَّ
أَحَقَّ الشُّرُوطِ أَنْ يُوفَى بِهَا، مَا اسْتَحْلَلْتُمْ
بِهِ الْفُرُوجَ.

حَدَّثَنَا أَبُو مُوسَى مُحَمَّدُ بْنُ الْمُثَنَّى:
حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ عَبْدِ الْحَمِيدِ بْنِ
جَعْفَرٍ، نَحْوَهُ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ
الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ. مِنْهُمْ عُمَرُ

It has been related that ‘Alī bin Abī Tālib said: “Allāh’s conditions take precedence over her conditions.” It is as if he held the view that the husband could take the woman even if she had made the condition on her husband that he could not take her out (of her land). And some of the people of knowledge followed this. This is the view of Sufyān Ath-Thawrī and some of the people of Al-Kūfah.

ابْنُ الْخَطَّابِ قَالَ: إِذَا تَزَوَّجَ الرَّجُلُ امْرَأَةً، وَشَرَطَ لَهَا أَنْ لَا يُخْرِجَهَا مِنْ مِصْرَهَا، فَلَيْسَ لَهُ أَنْ يُخْرِجَهَا، وَهُوَ قَوْلُ بَعْضِ أَهْلِ الْعِلْمِ. وَبِهِ يَقُولُ الشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ. وَرَوَى عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ أَنَّهُ قَالَ: شَرَطُ اللَّهِ قَبْلَ شَرْطِهَا، كَأَنَّهُ رَأَى لِلزَّوْجِ أَنْ يُخْرِجَهَا وَإِنْ كَانَتْ اشْتَرَطَتْ عَلَى زَوْجِهَا أَنْ لَا يُخْرِجَهَا، وَذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ إِلَى هَذَا. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَبَعْضِ أَهْلِ الْكُوفَةِ.

تخریج: متفق عليه، وأخرجه مسلم، النكاح، باب الوفاء بالشروط في النكاح، ح: ١٤١٨ من حديث وكيع والبخاري، ح: ٥١٥١ من حديث يزيد به.

Chapter 33. What Has Been Related About A Man Who Accepted Islām While Having Ten Wives

(المعجم ٣٣) - بَابُ مَا جَاءَ فِي الرَّجُلِ يُسْلِمُ وَعِنْدَهُ عَشْرُ نِسْوَةٍ (التحفة ٣٢)

1128. Ibn ‘Umar narrated: “Ghīlān bin Salamah Ath-Thaqafī accepted Islām and he had ten wives in *Jahiliyyah* who accepted Islām along with him. So the Prophet ﷺ ordered (him) to chose four (of them).” (*Da‘if*)

(Abū ‘Eisā said:) This is how Ma‘mar reported this *Hadīth* from Az-Zuhri: “From Sālim, from his father.” (He said:) I heard Muḥammad bin Ismā‘īl saying: “This *Hadīth* is not preserved. What is correct is what Shu‘aib bin Abī Ḥamzah and others reported from Az-Zuhri (and Ḥamzah), he said: “He narrated to me from Muḥammad bin Suwaid Ath-

١١٢٨ - حَدَّثَنَا هَذَا: حَدَّثَنَا عَبْدُهُ عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنِ ابْنِ عُمَرَ: أَنَّ غَيْلَانَ بْنَ سَلَمَةَ التَّقْفِيَّ أَسْلَمَ وَلَهُ عَشْرُ نِسْوَةٍ فِي الْجَاهِلِيَّةِ، فَأَسْلَمْنَ مَعَهُ، فَأَمَرَ [هُ] النَّبِيُّ ﷺ أَنْ يَتَخَيَّرَ أَرْبَعًا [مِنْهُنَّ].

[قَالَ أَبُو عِيسَى:] هَكَذَا رَوَاهُ مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ. [قَالَ:] وَسَمِعْتُ مُحَمَّدَ بْنَ إِسْمَاعِيلَ يَقُولُ: هَذَا حَدِيثٌ غَيْرٌ مَحْفُوظٌ، وَالصَّحِيحُ مَا رَوَى شُعَيْبُ بْنُ أَبِي حَمْزَةَ وَغَيْرُهُ عَنِ الزُّهْرِيِّ [وَحَمْزَةَ]، قَالَ:

Thaqafi that Ghilān bin Salamah accepted Islām and he had ten wives.” Muḥammad said: “The *Ḥadīth* of Az-Zuhri from Sālim, from his father, was only: “A man from Thaqif divorced his wives. So ‘Umar said to him: ‘Return to your wives or they will stone your grave just as the grave of Abū Righāl is stoned.”

(Abū ‘Eisā said:) The *Ḥadīth* of Ghilān bin Salamah is acted upon according to our companions, among them Ash-Shāfi‘ī, Aḥmad, and Ishāq.

حَدَّثَنَا عَنْ مُحَمَّدِ بْنِ سُوَيْدٍ التَّقْفِيِّ، أَنَّ غَيْلَانَ ابْنَ سَلَمَةَ أَسْلَمَ وَعِنْدَهُ عَشْرُ نِسْوَةٍ، قَالَ مُحَمَّدٌ: وَإِنَّمَا حَدِيثُ الزُّهْرِيِّ عَنْ سَالِمٍ، عَنْ أَبِيهِ أَنَّ رَجُلًا مِنْ ثَقِيفٍ طَلَّقَ نِسَاءَهُ. فَقَالَ لَهُ عُمَرُ: لَتَرَا جَعَنَ نِسَاءَكَ، أَوْ لَا رُجُومَ قَبْرَكَ، كَمَا رُجِمَ قَبْرُ أَبِي رِغَالٍ.

[قَالَ أَبُو عِيْسَى:] وَالْعَمَلُ عَلَى حَدِيثِ غَيْلَانَ بْنِ سَلَمَةَ عِنْدَ أَصْحَابِنَا، مِنْهُمْ الشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، النكاح، باب الرجل يسلم وعنده أكثر من أربع نساء، ح: ١٩٥٣ من حديث معمر به، الزهري عنن وصححه ابن حبان (الإحسان): ٤١٤٦ وللحديث شواهد ضعيفة عند ابن ماجه، ح: ١٩٥٢ وغيره.

Comments:

In the reign of ‘Umar, Ghilan Ath-Thaqafi divorced his wife with the intention to deprive her from inheritance, and distribute it among his sons. ‘Umar asked him to return to his wife and remarry her otherwise he will face severe consequences. It means divorcing with such bad intentions is not lawful.

Chapter 34. What Has Been Related About A Man Who Accepts Islām While He Is Married To Two Sisters

1129. Abū Wahb Al-Jaishānī narrated that he heard Ibn Fairūz Ad-Dailamī narrating from his father: “I went to the Prophet ﷺ and said: ‘O Messenger of Allāh! I accepted Islām and I had two sisters (as wives).’ So the Messenger of Allāh ﷺ said: ‘Chose whichever of them you will.’” (*Hasan*)

(المعجم ٣٤) - بَابُ مَا جَاءَ فِي الرَّجُلِ يُسَلِّمُ وَعِنْدَهُ أُخْتَانِ (التحفة ٣٣)

١١٢٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا ابْنُ لَهْيَعَةَ عَنْ أَبِي وَهْبٍ الْجَيْشَانِيِّ أَنَّهُ سَمِعَ ابْنَ فَيْرُوزَ الدَّيْلَمِيَّ يُحَدِّثُ عَنْ أَبِيهِ قَالَ: أَتَيْتُ النَّبِيَّ ﷺ فَقُلْتُ: يَا رَسُولَ اللَّهِ! إِنِّي أَسْلَمْتُ وَتَحْتِي أُخْتَانِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «اخْتَرِ أَيَّتَهُمَا شِئْتَ».

تخريج: [حسن] وأخرجه أبو داود، الطلاق، باب: في من أسلم وعنده نساء أكثر من أربع أو أختان، ح: ٢٢٤٣ وابن ماجه، ح: ١٩٥٠ من حديث أبي وهب به وصححه ابن حبان، ح: ١٢٧٦ وانظر الحديث الآتي.

1130. [Abū Wahb Al-Jaishānī narrated from Aḍ-Ḍaḥḥāk bin Fairūz Ad-Dailamī from his father: "I said: 'O Messenger of Allāh! I accepted Islām and I had two sisters (as wives).' So Messenger of Allāh ﷺ said: 'Chose whichever of them you will.'"] (*Hasan*)

This *Hadīth* is *Hasan Gharīb*. Abū Wahb Al-Jaishānī's name is Ad-Dailam bin Hawsha'.

١١٣٠ - [حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ: حَدَّثَنَا أَبِي قَالَ: سَمِعْتُ يَحْيَى بْنَ أَيُّوبَ يُحَدِّثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي وَهْبٍ الْجَيْشَانِيِّ، عَنِ الضَّحَّاكِ بْنِ فَيْرُوزَ الدَّيْلَمِيِّ، عَنْ أَبِيهِ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! أَسْلَمْتُ وَتَحْتِي أُخْتَانِ قَالَ: «اخْتَرِ أَيَّتَهُمَا شِئْتَ».] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ، وَأَبُو وَهْبٍ الْجَيْشَانِيُّ اسْمُهُ الدَّيْلَمِيُّ بْنُ هَوْشَعٍ.

تخریج: [إسناده حسن] وأخرجه أبو داود، ح: ٢٢٤٣ من حديث وهب بن جرير به (انظر الحديث السابق).

Comments:

According to three *A'imma*h, — Mālik, Shāfi'ī, and Aḥmad, if someone embraces Islam and two sisters are married to him, he can keep one and separate from the other.

Chapter 35. (What Has Been Related About) A Man Who Buys A Slave Girl Who Is Pregnant

1131. Ruwaifi' bin Thābit narrated that the Prophet ﷺ said: "Whoever believes in Allāh and the Last Day, then he does not levy his water on someone else's child."^[1] (*Hasan*)

(Abū 'Eisā said:) This *Hadīth* is *Hasan*. It has been reported through more than one route from Ruwaifi' bin Thābit. This is acted upon according to the people of knowledge. They do not think that if a man buys a slave girl and she is pregnant, that he can have sexual

(المعجم ٣٥) - بَابُ [مَا جَاءَ فِي] الرَّجُلِ يَشْتَرِي الْجَارِيَةَ وَهِيَ حَامِلٌ (التحفة ٣٤)

١١٣١ - حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ السَّيِّبَانِيُّ الْبَصْرِيُّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ: حَدَّثَنَا يَحْيَى بْنُ أَيُّوبَ عَنْ رَبِيعَةَ ابْنِ سُلَيْمٍ، عَنْ بُشَيْرِ بْنِ عُبَيْدِ اللَّهِ، عَنْ رُوَيْفِعِ بْنِ ثَابِتٍ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلَا يَسْقِ مَاءَهُ وَلَدَ غَيْرِهِ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ، وَقَدْ رُوِيَ مِنْ غَيْرِ وَجْهِ عَنِ رُوَيْفِعِ بْنِ

^[1] It is explained by the author below.

relations with her until she delivers. There are narrations on this topic from Ibn ‘Abbās, Abū Ad-Dardā’, Al-‘Irbād bin Sāriyah, and Abū Sa‘eed.

ثَابِتٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ، لَا يَرَوْنَ لِلرَّجُلِ، إِذَا اشْتَرَى جَارِيَةً وَهِيَ حَامِلٌ، أَنْ يَطَّأَهَا حَتَّى تَضَعَ، وَفِي الْبَابِ عَنْ ابْنِ عَبَّاسٍ وَأَبِي الدَّرْدَاءِ وَالْعُرْبَاضِ بْنِ سَارِيَةَ، وَأَبِي سَعِيدٍ.

تخريج: [إسناده حسن] وللحديث طريق آخر عند أبي داود، ح: ٢١٥٨ عن رويغ وشاهد عند الترمذي، يأتي: ١٥٦٤ * وفي الباب عن ابن عباس [أحمد: ٢٥٦/١] والحاكم: ١٣٧/٢] وأبي الدرداء [أبو داود، ح: ٢١٥٦] والعرباض بن سارية [يأتي: ١٤٧٤] وأبي سعيد [مسلم، ح: ١٤٥٦] وأبو داود، ح: ٢١٥٧].

Comments:

The child in the womb of the mother belongs to the father, so it is not lawful to have sexual relations with a woman who is pregnant from someone else. All *A‘immah* agree on this point. This narration is with reference to slave girls.

Chapter 36. What Has Been Related (About A Man) Who Captures A Slave Woman That Has A Husband, Is It Lawful For Him To Have Relations With Her?

(المعجم ٣٦- بَابُ مَا جَاءَ فِي الرَّجُلِ [يَسْبِي الْأَمَةَ وَلَهَا زَوْجٌ، هَلْ يَحِلُّ لَهُ وَطْؤُهَا (التحفة ٣٥)

1132. Abū Sa‘eed Al-Khudrī narrated: “We got some captives on the day of Awṭās, and they had husbands among their people. They mentioned that to the Messenger of Allāh ﷺ, so the following was revealed: And women who are already married, except those whom your right hands posses.^[1] (Hasan)

(Abū ‘Eisā said:) This *Hadīth* is *Hasan*.

This is how Ath-Thawrī reported it: “From ‘Uthmān Al-Battī, from Abū Al-Khalīl, from Abū Sa‘eed.” Abū Al-Khalīl’s name is Ṣāliḥ bin

١١٣٢ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا هُشَيْمٌ: حَدَّثَنَا عُثْمَانُ النَّبِيُّ عَنْ أَبِي الْخَلِيلِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: أَصَبْنَا سَبَايَا يَوْمَ أُوطَاسٍ، وَلَهُنَّ أَزْوَاجٌ فِي قَوْمِهِنَّ، فَذَكَّرُوا ذَلِكَ لِرَسُولِ اللَّهِ ﷺ، فَتَرَكْتُ: ﴿وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ﴾ [النساء: ٢٤].

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ، وَهَكَذَا رَوَاهُ الثَّوْرِيُّ عَنْ عُثْمَانَ النَّبِيِّ، عَنْ أَبِي الْخَلِيلِ، عَنْ أَبِي سَعِيدٍ، وَأَبُو الْخَلِيلِ

[1] *An-Nisā’* 4:24.

Abī Maryam. And Hammām reported this *Hadīth* from Qatādah, from Ṣāliḥ Abū Al-Khalīl, from Abū ‘Alqamah Al-Hāshimī, from Abū Sa‘eed, from the Prophet ﷺ. That was narrated to us by ‘Abd bin Ḥumaid (he said): “Ḥabbān bin Hilāl narrated to us (he said): Hammām narrated to us.”

اسْمُهُ صَالِحُ بْنُ أَبِي مَرْيَمَ، وَرَوَى هَمَّامٌ هَذَا الْحَدِيثَ عَنْ قَتَادَةَ، عَنْ صَالِحِ أَبِي الْخَلِيلِ، عَنْ أَبِي عَلْقَمَةَ الْهَاشِمِيِّ، عَنْ أَبِي سَعِيدٍ عَنِ النَّبِيِّ ﷺ. حَدَّثَنَا بِذَلِكَ عَبْدُ بْنُ حُمَيْدٍ: حَدَّثَنَا حَبَّانُ بْنُ هِلَالٍ: حَدَّثَنَا هَمَّامٌ.

تخريج: [إسناده حسن] وأخرجه أحمد: ٧٢/٣ من حديث عثمان به وهو في صحيح مسلم، ح: ١٤٥٦/٣٥ من حديث أبي الخليل به.

Comments:

This issue is agreed upon by all Four *A‘immah*; when a married woman becomes a prisoner of war without her husband, her contract of marriage with her husband ends, and her new master has the right to have sexual relations with her after the birth of a child if she is pregnant, or after waiting a while to confirm the status of her womb if she is not apparently pregnant.

Chapter 37. What Has Been Related About The Dowry Of The *Baghi*^[1]

1133. Abū Mas‘ūd Al-Anṣārī narrated: “The Messenger of Allāh ﷺ prohibited the price of a dog, the dowry of a fornicator, and the payment made to the fortune-teller.” (*Ṣaḥīḥ*)

He said: There are narrations on this topic from Rāfi‘ bin Khadīj, Abū Juhaifah, Abū Hurairah, and Ibn ‘Abbās.

(Abū ‘Eīsā said:) The *Hadīth* of Abū Mas‘ūd is a *Hasan Ṣaḥīḥ Hadīth*.

(المعجم ٣٧) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ مَهْرِ الْبَغِيِّ (التحفة ٣٦)

١١٣٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ ابْنِ شِهَابٍ، عَنْ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي مَسْعُودٍ الْأَنْصَارِيِّ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ ثَمَنِ الْكَلْبِ وَمَهْرِ الْبَغِيِّ وَحُلْوَانِ الْكَاهِنِ، قَالَ: وَفِي الْبَابِ عَنْ رَافِعِ بْنِ خَدِيجٍ وَأَبِي جُحَيْفَةَ وَأَبِي هُرَيْرَةَ وَابْنِ عَبَّاسٍ. [قَالَ أَبُو عِيسَى:] وَحَدِيثُ أَبِي مَسْعُودٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه مسلم، المساقاة، باب تحريم ثمن الكلب، وحلوان الكاهن ... إلخ، ح: ١٥٦٧ عن قتيبة والبخاري، ح: ٢٢٣٧ من حديث ابن شهاب الزهري * وفي الباب عن رافع بن خديج [يأتي: ١٢٧٥] وأبي جحيفة [البخاري، ح: ٢٢٣٨] وأبي هريرة [البخاري، ح: ٢٢٨٣] وابن عباس [أبو داود، ح: ٣٤٨٢ وأحمد: ٢٧٨/١، ٢٣٥].

[1] Here it means the fornicator. See *Tuḥfat Al-Aḥwadhī*.

Comments:

In the view of most of the scholars, buying and selling of dog is unlawful, but in the view of Imām Abū Ḥanifah it is allowed. Imām ‘Aṭā and Nakḥa’ī allow the buying and selling of a hunting dog. It is agreed upon by all, that money paid for illegal sexual intercourse (*Zina*) is unlawful.

Chapter 38. What Has Been Related About A Man Is Not To Propose To A Woman Who Has Been Proposed To By His Brother

1134. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “A man is not to sell over his brother’s sale, nor is he to propose to whom his brother has proposed.” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Samurah and Ibn ‘Umar.

Abū ‘Eīsā said: The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

Mālik bin Anas said: “The meaning of it being disliked to propose to a woman that his brother has proposed to, is when the man proposed to the woman and she accepted it, then no one is to make a proposal over his proposal.”

Ash-Shāfi‘ī said: “This *Ḥadīth*: ‘A man is not to propose to whom his brother has proposed’ – means, according to us, when a man proposes to a woman and she accepts and agrees to it. Then no one is to make a proposal over his proposal. If it is before he knows that she accepted or agreed with him, then there is no harm in him proposing to her. The proof for that is the *Ḥadīth* of Fāṭimah bint Qais,

(المعجم ٣٨) - بَابُ مَا جَاءَ أَنْ لَا

يَخْطُبُ الرَّجُلُ عَلَى خِطْبَةِ أَخِيهِ

(التحفة ٣٧)

١١٣٤ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ وَفُتَيْبَةُ

قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ،

عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ

فُتَيْبَةُ: يَبْلُغُ بِهِ [النَّبِيُّ ﷺ]. وَقَالَ أَحْمَدُ: قَالَ

رَسُولُ اللَّهِ ﷺ: «لَا يَبِيعُ الرَّجُلُ عَلَى بَيْعِ

أَخِيهِ، وَلَا يَخْطُبُ عَلَى خِطْبَةِ أَخِيهِ»،

[قَالَ]: وَفِي الْبَابِ عَنْ سَمُرَةَ وَابْنِ عُمَرَ.

قَالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ

حَسَنٌ صَحِيحٌ. قَالَ مَالِكُ بْنُ أَنَسٍ: إِنَّمَا

مَعْنَى كَرَاهِيَةِ أَنْ يَخْطُبَ الرَّجُلُ عَلَى خِطْبَةِ

أَخِيهِ، إِذَا خَطَبَ الرَّجُلُ الْمَرْأَةَ فَرَضِيَتْ بِهِ،

فَلَيْسَ لِأَحَدٍ أَنْ يَخْطُبَ عَلَى خِطْبَتِهِ. وَقَالَ

الشَّافِعِيُّ: مَعْنَى هَذَا الْحَدِيثِ «لَا يَخْطُبُ

الرَّجُلُ عَلَى خِطْبَةِ أَخِيهِ»، هَذَا عِنْدَنَا إِذَا

خَطَبَ الرَّجُلُ الْمَرْأَةَ فَرَضِيَتْ بِهِ وَرَكَتْ إِلَيْهِ،

فَلَيْسَ لِأَحَدٍ أَنْ يَخْطُبَ عَلَى خِطْبَتِهِ. فَأَمَّا

قَبْلَ أَنْ يَعْلَمَ رِضَاهَا أَوْ رُكُوتَهَا إِلَيْهِ، فَلَا

بَأْسَ أَنْ يَخْطُبَهَا. وَالْحُجَّةُ فِي ذَلِكَ حَدِيثُ

فَاطِمَةَ بِنْتِ قَيْسٍ، حَيْثُ جَاءَتْ النَّبِيَّ ﷺ

فَذَكَرَتْ لَهُ أَنَّ أَبَا جَهْمٍ بْنُ حَذِيفَةَ وَمُعَاوِيَةَ

in which she came to the Prophet ﷺ and she mentioned to him that Abū Jahm bin Hudhaifah and Mu'āwiyah bin Abī Sufyān had both proposed to her. So he said: 'As for Abū Jahm, he is a man who does not give women a rest from his stick. As for Mu'āwiyah he is a destitute person with no wealth. But marry Usāmah.' So the meaning of this *Hadīth*, to us, and Allāh knows best, is that Fāṭimah had not informed him of her acceptance of either one of them. If she had told him that, then he would not have directed her to someone other than whom she had mentioned."

ابْنُ أَبِي سُفْيَانَ حَظَبَاهَا، فَقَالَ: «أَمَّا أَبُو جَهْمٍ، فَرَجُلٌ لَا يَرْفَعُ عَصَاهُ عَنِ النِّسَاءِ. وَأَمَّا مُعَاوِيَةُ فَضَعْلُوكَ لَا مَالَ لَهُ، وَلَكِنْ أَنْكِحِي أُسَامَةَ»، فَمَعْنَى هَذَا الْحَدِيثِ عِنْدَنَا، وَاللَّهِ أَعْلَمُ، أَنَّ فَاطِمَةَ لَمْ تُخْبِرْهُ بِرِضَاهَا بِوَاحِدٍ مِنْهُمَا، وَلَوْ أَخْبَرَتْهُ، لَمْ يُشِيرْ عَلَيْهَا بِغَيْرِ الَّذِي ذَكَرَتْهُ.

تخريج: متفق عليه، وأخرجه البخاري، البيهقي، باب: لا يبيع على بيع أخيه... إلخ، ح: ٢١٤٠ ومسلم، ح: ١٤١٣ من حديث سفيان بن عيينة به * وفي الباب عن ابن عمر [البخاري، ح: ٥١٤٢ ومسلم، ح: ١٤١٢] وسمرة [أحمد: ٢/٢٤٢] * حديث: "أما أبو جهم فرجل لا يرفع عصاه عن النساء" انظر الحديث الآتي.

Comments:

'Selling over his brother's sale' means that a person who has completed a transaction and the matters are over, the third person should not poke in for less or more money. According to the situation a third person as a buyer or as a seller should not try to undo the deal by paying more or accepting less.

1135. Abū Bakr bin Al-Jahm narrated: "Abū Salamah bin 'Abdur-Rahmān and I visited Fāṭimah bint Qais. She narrated to us that her husband had divorced her three times, and he did not leave her with anywhere to live nor any wealth. She said: 'He left ten *Aqfizah*^[1] for me with the son of his uncle: five were of barely, and five of wheat.' She said: 'I went to the Messenger of Allāh ﷺ and

١١٣٥ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ [قَالَ]: أَتَيْنَا شُعْبَةَ قَالَ: أَخْبَرَنِي أَبُو بَكْرِ بْنُ الْجَهْمِ قَالَ: دَخَلْتُ أَنَا وَأَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ عَلَى فَاطِمَةَ بِنْتِ قَيْسٍ، فَحَدَّثَتْنَا أَنَّ زَوْجَهَا طَلَّقَهَا ثَلَاثًا، وَلَمْ يَجْعَلْ لَهَا سُكْنَى وَلَا نَفَقَةً، قَالَتْ: وَوَضَعَ لِي عَشْرَةَ أَقْفِزَةٍ عِنْدَ ابْنِ عَمٍّ لَهُ: خُمُسَةَ شَعِيرٍ

^[1] *Aqfizah* is plural of *Qafiz* and it is a type of container.

mentioned that to him.' She said: 'He said: "He is correct."^[1] (She said:) 'So he ordered me to complete my *Iddah* in the home of Umm *Sharik*. But then the Messenger of Allāh ﷺ said to me: "Umm *Sharik*'s home is visited by the *Muhājirūn*, so spend your *Iddah* in the home of Ibn Umm Maktūm, for there you can remove your garments and he will not see you. Then when your *Iddah* is completed and someone proposes to you come to me."

'So when my *Iddah* completed Abū Jahm and Mu'āwīyah proposed to me.' She said: 'I went to the Messenger of Allāh ﷺ and mentioned that to him, and he said: "As for Mu'āwīyah, he is a man with no wealth, and as for Abū Jahm he is a man who is harsh with women." She said: 'Then Uṣamah bin Zaid proposed to me, and he married me. So Allāh blessed me with Uṣamah.'"^(Ṣaḥīḥ)

This *Ḥadīth* is *Ṣaḥīḥ*, Sufyān Ath-Thawrī reported a *Ḥadīth* similar to this from Abū Bakr bin Al-Jahm, but he added in it: "So the Messenger of Allāh ﷺ said to me: 'Marry Uṣamah.'" (And he mentioned the chain of narration for that.)

تخريج: وأخرجه مسلم، الطلاق، باب المطلقة البائن لا نفقة لها، ح: ٥٠/١٤٨٠ من حديث شعبة (٤٧/١٤٨٠) ومن حديث وكيع عن سفيان الثوري به وهو في مسند أبي داود الطيالسي، ح: ١٦٤٥.

وَحَمْسَةَ بُرٍّ، قَالَتْ: فَأَتَيْتُ رَسُولَ اللَّهِ ﷺ فَذَكَرْتُ ذَلِكَ لَهُ، قَالَتْ: فَقَالَ «صَدَقَ» [قَالَتْ] فَأَمَرَنِي أَنْ أَعْتَدَ فِي بَيْتِ أُمِّ شَرِيكٍ، ثُمَّ قَالَ لِي رَسُولُ اللَّهِ ﷺ: «إِنْ بَيْتُ أُمِّ شَرِيكٍ بَيْتٌ يَعُشَاءُ الْمُهَاجِرُونَ، وَلَكِنْ أَعْتَدِي فِي بَيْتِ ابْنِ أُمِّ مَكْتُومٍ، فَعَسَى أَنْ تُلْقِيَ ثِيَابَكَ فَلَا يَرَاكَ، فَإِذَا انْقَضَتْ عِدَّتُكَ فَجَاءَ أَحَدٌ يَخْطُبُكَ فَأَيِّنِي».

فَلَمَّا انْقَضَتْ عِدَّتِي، خَطَبَنِي أَبُو جَهْمٍ وَمُعَاوِيَةُ. قَالَتْ: فَأَتَيْتُ رَسُولَ اللَّهِ ﷺ، فَذَكَرْتُ ذَلِكَ لَهُ، فَقَالَ: «أَمَّا مُعَاوِيَةُ فَرَجُلٌ لَا مَالَ لَهُ، وَأَمَّا أَبُو جَهْمٍ فَرَجُلٌ شَدِيدٌ عَلَى النِّسَاءِ»، قَالَتْ: فَخَطَبَنِي أُسَامَةُ بْنُ زَيْدٍ، فَتَزَوَّجَنِي، فَبَارَكَ اللَّهُ لِي فِي أُسَامَةَ.

هَذَا حَدِيثٌ صَحِيحٌ، وَقَدْ رَوَاهُ سُفْيَانُ الثَّوْرِيُّ عَنْ أَبِي بَكْرٍ بْنِ أَبِي جَهْمٍ نَحْوَ هَذَا الْحَدِيثِ. وَزَادَ فِيهِ: فَقَالَ لِي النَّبِيُّ ﷺ: «انْكُحِي أُسَامَةَ». حَدَّثَنَا بِذَلِكَ مَحْمُودُ بْنُ غِيْلَانَ: حَدَّثَنَا وَكِيعٌ عَنْ سُفْيَانَ، عَنْ أَبِي بَكْرٍ بْنِ أَبِي الْجَهْمِ بِهَذَا.

[1] Meaning it was correct of him to not give her any wealth or a place to live. See *Tuhfat Al-Aḥwadhī*.

Chapter 39. What Has Been Related About 'Azl^[1]

1136. Jābir narrated: "We said: 'O Messenger of Allāh! We practice 'Azl, but the Jews claim that it is minor infanticide.' So he said: 'The Jews lie: When Allāh wants to create it, nothing can prevent Him.'" (Da'īf)^[2]

He said: There are narrations on this topic from 'Umar, Al-Barā', Abū Hurairah, and Abū Sa'eed.

(المعجم ٣٩) - بَابُ مَا جَاءَ فِي الْعَزْلِ
(التحفة ٣٨)

١١٣٦ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنُ أَبِي الشَّوَّازِ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا مَعْمَرٌ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ ثَوْبَانَ، عَنْ جَابِرٍ قَالَ: قُلْنَا: يَا رَسُولَ اللَّهِ! إِنَّا كُنَّا نَعْزِلُ، فَزَعَمَتِ الْيَهُودُ أَنَّهُ الْمَوُودَةُ الصُّغْرَى، فَقَالَ: «كَذَبَتْ الْيَهُودُ، إِنَّ اللَّهَ إِذَا أَرَادَ أَنْ يَخْلُقَهُ لَمْ يَمْنَعُهُ». قَالَ: وَفِي الْبَابِ عَنْ عُمَرَ وَالْبَرَاءِ وَأَبِي هُرَيْرَةَ وَأَبِي سَعِيدٍ.

تخريج: [إسناده ضعيف] وأخرجه النسائي في الكبرى، ح: ٩٠٧٨ من حديث معمر به، يحيى بن أبي كثير مدلس وعنن * وفي الباب عن عمر [ابن ماجه، ح: ١٩٢٨] والبراء [لم أجده] وأبي هريرة [النسائي في الكبرى، ح: ٩٠٩٠] وأبي سعيد [البخاري، ح: ٥٢١٠] ومسلم، ح: ٤٣٨.

1137. Jābir bin 'Abdullāh narrated: "We practiced 'Azl while the Qur'an was being revealed." (Ṣaḥīḥ)

(Abū 'Eisā said:) The Ḥadīth of Jābir is a Ḥasan Ṣaḥīḥ Ḥadīth. It has been reported from him through other routes.

There are those among the people of knowledge, among the Companions of the Prophet ﷺ and others, who permitted 'Azl. Mālik bin Anas said: "The permission of the free woman is to be requested for 'Azl, while the slave woman's permission need not be requested."

١١٣٧ - حَدَّثَنَا قُتَيْبَةُ بْنُ أَبِي وَابْنُ عُمَرَ قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ عَطَاءٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: كُنَّا نَعْزِلُ، وَالْقُرْآنُ يَنْزِلُ. [قَالَ أَبُو عِيسَى:] حَدِيثُ جَابِرٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رُوِيَ عَنْهُ مِنْ غَيْرِ وَجْهٍ، وَقَدْ رَخَّصَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، فِي الْعَزْلِ، وَقَالَ مَالِكُ ابْنُ أَنَسٍ: تُسْتَأْمَرُ الْحُرَّةُ فِي الْعَزْلِ، وَلَا تُسْتَأْمَرُ الْأَمَةُ.

[1] When the man pulls out prior to ejaculation during intercourse.

[2] There are other chains which support it.

تخریج: متفق عليه، وأخرجه البخاري، النكاح، باب العزل، ح: ٥٢٠٨ ومسلم، ح: ١٤٤٠ من حديث سفيان بن عيينة به.

Comments:

Some people want a reasonable gap between their two children. For this purpose the husband during the performance just at the time of seminal discharge takes out the organ from her's to prevent pregnancy. But it is not sure that by doing that the pregnancy will not take place. If a child has to come into this world, a drop of sperm may enter the womb in spite of such action. That is why it has been said that if Allāh wants some human being to come into this world nothing will prevent it.

Chapter 40. What Has Been Related About 'Azl Being Disliked

(المعجم ٤٠) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ الْعَزْلِ (التحفة ٣٩)

1138. Abū Sa'eed narrated: "‘Azl was mentioned before the Messenger of Allāh ﷺ and he said: 'Why would one of you do that?'" (*Ṣaḥīḥ*)

(Abū 'Eisā said:) In his narration, Ibn Abī 'Umar added: "And he did not say: 'None of you should do that.'"

In both narrations they said: "For there is no soul to be created except that Allāh will create it."^[1]

(He said:) There is something on this from Jābir.

(Abū 'Eisā said:) The *Ḥadīth* of Abū Sa'eed is a *Ḥasan Ṣaḥīḥ Ḥadīth*. It has been reported through other routes from Abū Sa'eed. There are those among the people of knowledge, from the Companions of the Prophet ﷺ and others, who disliked 'Azl.

١١٣٨ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ وَفُتَيْبَةُ قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، عَنْ قُرْعَةَ، عَنْ أَبِي سَعِيدٍ قَالَ: ذَكَرَ الْعَزْلُ عِنْدَ رَسُولِ اللَّهِ ﷺ فَقَالَ: «لِمَ يَفْعَلُ ذَلِكَ أَحَدُكُمْ؟».

[قَالَ أَبُو عِيسَى:] زَادَ ابْنُ أَبِي عُمَرَ فِي حَدِيثِهِ: وَلَمْ يَقُلْ لَا يَفْعَلُ ذَاكَ أَحَدُكُمْ، قَالَا فِي حَدِيثِهِمَا: فَإِنَّهَا لَيْسَتْ نَفْسٌ مَخْلُوقَةٌ إِلَّا اللَّهُ خَالِقُهَا، [قَالَ:] وَفِي الْبَابِ عَنْ جَابِرٍ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَبِي سَعِيدٍ حَدِيثٌ حَسَنٌ صَحِيحٌ، وَقَدْ رُوِيَ مِنْ غَيْرِ وَجْهِ عَنْ أَبِي سَعِيدٍ. وَقَدْ كَرِهَ الْعَزْلُ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ.

تخریج: وأخرجه مسلم، النكاح، باب حكم العزل، ح: ١٣٢/١٤٣٨ من حديث سفيان بن عيينة به ورواه البخاري، ح: ٥٢١٠ من حديث أبي سعيد الخدري به * وفي الباب عن جابر [مسلم، ح: ١٤٣٩].

^[1] That is, At-Tirmidhī heard the same chain for this *Ḥadīth*, but with alternative wording, from Qutaibah, and Ibn Abī 'Umar.

Chapter 41. What Has Been Related About Dividing Time For The Virgin And The Matron

1139. Abū Qilābah narrated from Anas bin Mālik, he (Abū Qilābah) said: "If I wish, I could say: 'The Messenger of Allāh ﷺ said'" but he said: "The *Sunnah* when a man marries a virgin after he already has a wife, is that he stays with her seven (nights). And when he marries a matron when he already has a wife, he stays with her three (nights)." (*Ṣaḥīḥ*)

(He said:) There is a narration on this topic from Umm Salamah.

(Abū 'Eisā said:) The *Hadīth* of Anas is a *Ḥasan Ṣaḥīḥ Hadīth*. Muḥammad bin Ishāq reported it in *Marfū'* form from Ayyūb, from Abū Qilābah, from Anas. While some of them did not narrate it in *Marfū'* form.

(He said:) This is acted upon according to some of the people of knowledge, they said that when a man marries a virgin woman along with his (current) wife, then he stays with her for seven (nights). Then he divides equally between them afterwards. When he marries a matron along with his wife, he stays with her for three (nights). (This is the view of Mālik, Ash-Shāfi'i, Aḥmad, and Ishāq.)

[Some of the people of knowledge among the *Ṭābi'in* said: "When he marries a virgin along with his wife, then he stays with her for three (nights). And when he marries a

(المعجم ٤١) - بَابُ مَا جَاءَ فِي الْقِسْمَةِ
لِلْبِكْرِ وَالثَّيِّبِ (التحفة ٤٠)

١١٣٩ - حَدَّثَنَا أَبُو سَلَمَةَ يَحْيَى بْنُ خَلْفٍ: حَدَّثَنَا بِشْرُ بْنُ الْمُفَضَّلِ عَنْ خَالِدِ الْحَدَّاءِ، عَنْ أَبِي قِلَابَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: لَوْ شِئْتُ أَنْ أَقُولَ: قَالَ رَسُولُ اللَّهِ ﷺ، وَلَكِنَّهُ قَالَ: السُّنَّةُ، إِذَا تَزَوَّجَ الرَّجُلُ الْبِكْرَ عَلَى امْرَأَتِهِ، أَقَامَ عِنْدَهَا سَبْعًا، وَإِذَا تَزَوَّجَ الثَّيِّبَ عَلَى امْرَأَتِهِ، أَقَامَ عِنْدَهَا ثَلَاثًا. [قَالَ:] وَفِي الْبَابِ عَنْ أُمِّ سَلَمَةَ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَنَسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رَفَعَهُ مُحَمَّدُ بْنُ إِسْحَاقَ عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ، عَنْ أَنَسٍ، وَلَمْ يَرْفَعَهُ بَعْضُهُمْ. [قَالَ:] وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ، قَالُوا: إِذَا تَزَوَّجَ الرَّجُلُ امْرَأَةً بَكْرًا عَلَى امْرَأَتِهِ، أَقَامَ عِنْدَهَا سَبْعًا، ثُمَّ قَسَمَ بَيْنَهُمَا بَعْدَ، بِالْعَدْلِ، وَإِذَا تَزَوَّجَ الثَّيِّبَ عَلَى امْرَأَتِهِ أَقَامَ عِنْدَهَا ثَلَاثًا. [وَهُوَ قَوْلُ مَالِكٍ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ].

[وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنَ التَّابِعِينَ: إِذَا تَزَوَّجَ الْبَكْرَ عَلَى امْرَأَتِهِ أَقَامَ عِنْدَهَا ثَلَاثًا، وَإِذَا تَزَوَّجَ الثَّيِّبَ أَقَامَ عِنْدَهَا لَيْلَتَيْنِ وَالْقَوْلُ الْأَوَّلُ أَصَحُّ.]

matron he stays with her for two nights.” But the first view is more correct].

تخریج: متفق عليه، وأخرجه البخاري، النكاح، باب العدل بين النساء "ولن تستطيعوا أن تعدلوا بين النساء ... إلخ"، ح: ٥٢١٣ من حديث بشر ومسلم، ح: ١٤٦١ من حديث خالد الحذاء به * وفي الباب عن أم سلمة [مسلم، ح: ١٤٦٠].

Comments:

The view point of the three *A'immah* and *Ishāq* and *Abū Thawr* is that if a married person marries another woman, he will stay with her for seven days if she is a virgin, and if she is a widow or divorced, he will stay with her for three days, and after this period he will have to fix the turns among his wives.

Chapter 42. What Has Been Related About Equality Between Co-Wives

1140. ‘*Āishah* narrated that the Prophet ﷺ would divide (his time) equally between his wives and say: “O Allāh! This is my division in what I have control over, so do not punish me for what You have control over which I do not have control over.” (*Ṣaḥīḥ*)

(*Abū ‘Eisā* said:) This *Ḥadīth* of ‘*Āishah* has been reported by more than one, from *Ḥammād bin Salamah*, from *Ayyūb*, from *Abū Qilābah*, from ‘*Abdullāh bin Yazīd*, from ‘*Āishah*: “The Prophet ﷺ would divide” while *Ḥammād bin Zaid* and others reported it from *Ayyūb*, from *Abū Qilābah* in *Mursal* form: “The Prophet ﷺ would divide” and this is more correct than the narration of *Ḥammād bin Salamah*. (a narrator in the chain of *Ḥadīth* no. 1140)

As for his saying: “Do not punish me for what you have control over which I do not have control over” –

(المعجم ٤٢) - بَابُ مَا جَاءَ فِي التَّسْوِيَةِ
بَيْنَ الزَّوْجَاتِ (التحفة ٤١)

١١٤٠ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا
يُشْرُ بْنُ السَّرِيِّ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ
أَيُّوبَ، عَنْ أَبِي قِلَابَةَ، عَنْ عَبْدِ اللَّهِ بْنِ
يَزِيدَ، عَنْ عَائِشَةَ أَنَّ النَّبِيَّ ﷺ كَانَ يَقْسِمُ
بَيْنَ نِسَائِهِ فَيَعْدِلُ وَيَقُولُ: «اللَّهُمَّ هَذِهِ
فِيْشْمَتِي فِيمَا أَمْلِكُ، فَلَا تُلْمَنِي فِيمَا تَمْلِكُ
وَلَا أَمْلِكُ».

[قَالَ أَبُو عِيسَى:] حَدِيثُ عَائِشَةَ هَكَذَا،
رَوَاهُ غَيْرُ وَاحِدٍ عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ
أَيُّوبَ، عَنْ أَبِي قِلَابَةَ، عَنْ عَبْدِ اللَّهِ بْنِ
يَزِيدَ، عَنْ عَائِشَةَ أَنَّ النَّبِيَّ ﷺ كَانَ يَقْسِمُ،
وَرَوَاهُ حَمَّادُ بْنُ زَيْدٍ وَغَيْرُ وَاحِدٍ عَنْ أَيُّوبَ،
عَنْ أَبِي قِلَابَةَ، مُرْسَلًا أَنَّ النَّبِيَّ ﷺ كَانَ
يَقْسِمُ، وَهَذَا أَصَحُّ مِنْ حَدِيثِ حَمَّادِ بْنِ
سَلَمَةَ.

he meant love and affection, this is how it was explained by some of the people of knowledge.

وَمَعْنَى قَوْلِهِ: «لَا تَلْمِزْنِي فِيمَا تَمْلِكُ وَلَا أَمْلِكُ»، إِنَّمَا يَعْنِي بِهِ الْحُبَّ وَالْمَوَدَّةَ، كَذَا فَسَّرَهُ بَعْضُ أَهْلِ الْعِلْمِ.

تخریج: [إسناده صحيح] وأخرجه أبو داود، النكاح، باب: في القسم بين النساء، ح: ٢١٣٤ وابن ماجه، ح: ١٩٧١ وغيرهما من حديث حماد بن سلمة به وصححه ابن حبان (الإحسان): ٤١٩٢: والحاكم: ١٨٧/٢ والذهبي وأرسله حماد بن زيد وابن علية عن أيوب عن أبي قلابة به وهذا لا يضر، إن شاء الله تعالى.

Comments:

This narration makes it clear that the Prophet ﷺ, in his practical life, did justice with his honorable wives. He used to treat all of them alike. Sentiments of love towards one is a natural phenomenon, and it is not easy to control, but the Prophet ﷺ did justice at all times with his wives.

1141. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “When a man has two wives and he is not just between them, he will come on the Day of Judgement with one side drooping.” (*Da‘if*)

(Abū ‘Eisā said:) This *Hadīth* was only narrated (like this) by Hammām bin Yahya from Qatādah. Hishām Ad-Dastawā’ī narrated it from Qatādah who said: “It was said.” And we do not know of this *Hadīth* to be *Marfū‘* except from the narration of Hammām, and Hammām is a trustworthy *Hāfiz*.

١١٤١ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا هَمَّامٌ عَنْ قَتَادَةَ، عَنِ النَّضْرِ بْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ نَهْيِكَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا كَانَ عِنْدَ الرَّجُلِ امْرَأَتَانِ، فَلَمْ يَعْدِلْ بَيْنَهُمَا، جَاءَ يَوْمَ الْقِيَامَةِ وَشِقُّهُ سَاقِطٌ».

[قَالَ أَبُو عِيسَى:] وَإِنَّمَا أَسْنَدَ هَذَا الْحَدِيثِ هَمَّامٌ بْنُ يَحْيَى عَنْ قَتَادَةَ، وَرَوَاهُ هِشَامُ الدَّسْتَوَائِيُّ عَنْ قَتَادَةَ قَالَ: كَانَ يُقَالُ، وَلَا نَعْرِفُ هَذَا الْحَدِيثَ مَرْفُوعًا إِلَّا مِنْ حَدِيثِ هَمَّامٍ، وَهَمَّامٌ ثِقَةٌ حَافِظٌ.

تخریج: [إسناده ضعيف] وأخرجه النسائي: ٦٣/٧، ح: ٣٣٩٤ (عشرة النساء، باب ميل الرجل إلى بعض نسائه دون بعض) من حديث ابن مهدي، وأبو داود، ح: ٢١٣٣ وابن ماجه، ح: ١٩٦٩ من حديث همام به وصححه ابن حبان، ح: ١٣٠٧ وابن الجارود، ح: ٧٢٢ والحاكم: ١٨٦/٢ والذهبي وغيرهم * قتادة مدلس وعنن وللحديث شاهد ضعيف.

Comments:

This is an example of a punishment for wrongdoing in this world. A person who does not treat his wives with justice on the Day of Judgement will come with one side drooping, as described in the narration, moreover he will be disgraced before the people on that day.

Chapter 43. What Has Been Related About A Married Couple Who Are Idolaters, Then One Of Them Accepted Islām

1142. ‘Amr bin Shu‘aib narrated from his father, from his grandfather: “The Messenger of Allāh ﷺ returned his daughter Zainab to Abul-‘Āṣ bin Ar-Rabī‘ with a new dowry and a new wedding.” (*Da‘īf*)

(Abū ‘Eīsā said:) There is some criticism regarding the chain of this *Hadīth* (and there is some criticism regarding the other *Hadīth* as well). And this is acted upon according to the people of knowledge; when the woman accepts Islām before her husband, then if her husband accepts Islām while she is in her *‘Iddah*, then her husband has more right to her while she is in her *‘Iddah*. This is the view of Mālik bin Anas, Al-Awzā‘ī, Ash-Shāfi‘ī, Ahmad, and Ishāq.

(المعجم ٤٣) - بَابُ مَا جَاءَ فِي الزَّوْجَيْنِ الْمُشْرِكَيْنِ يُسْلِمُ أَحَدُهُمَا (التحفة ٤٢)

١١٤٢ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ وَهَنَّاذٌ قَالَا: حَدَّثَنَا أَبُو معاويةَ عَنِ الْحَجَّاجِ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ رَسُولَ اللَّهِ ﷺ رَدَّ ابْنَتَهُ زَيْنَبَ عَلَى أَبِي الْعَاصِ بْنِ الرَّبِيعِ، بِمَهْرٍ جَدِيدٍ وَنِكَاحٍ جَدِيدٍ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ فِي إِسْنَادِهِ مَقَالٌ [وَفِي الْحَدِيثِ الْآخِرِ أَيْضًا مَقَالٌ] وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ أَهْلِ الْعِلْمِ أَنَّ الْمَرْأَةَ إِذَا أَسْلَمَتْ قَبْلَ زَوْجِهَا ثُمَّ أَسْلَمَ زَوْجُهَا وَهِيَ فِي الْعِدَّةِ أَنَّ زَوْجَهَا أَحَقُّ بِهَا مَا كَانَتْ فِي الْعِدَّةِ، وَهُوَ قَوْلُ مَالِكٍ بْنِ أَنَسٍ وَالْأَوْزَاعِيِّ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، النكاح، باب الزوجين يسلم أحدهما قبل الآخر، ح: ٢٠١٠ من حديث أبي معاوية الضرير عن الحجاج بن أرطاة به والحجاج ضعيف مدلس.

Comments:

Maulāna Saffur-Rahman, in his book *Tajalliyāt-i-Nubbuwat*, on page 177 writes that the Prophet ﷺ returned his daughter Zainab to her husband. This return took place after the separation of three years. The reason is that the Qur’ānic Verse regarding the revocation of marriage of unbelievers with Muslim women was not revealed yet, so the marriage was intact. Abul-‘Āṣ was captured as a prisoner in the year 6 A.H on 6th of Jumada Al-Awwal on his return from Shām. He was released on the intercession of Zainab. After his release he went to Makkah and returned all the entrusted things to their owners and migrated to Al-Madīnah, there he accepted Islam.

1143. Ibn ‘Abbās narrated: “The Prophet ﷺ returned his daughter Zainab to Abul-‘Āṣ bin Ar-Rabī‘

١١٤٣ - حَدَّثَنَا هَنَّاذٌ: حَدَّثَنَا يُونُسُ بْنُ بُكَيْرٍ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ قَالَ: حَدَّثَنِي

after six years in the first marriage without renewing the marriage.”

(*Da'if*)

(Abū 'Eisā said:) There is no harm in the chain of this *Hadīth*, but we are not aware of the point in this *Hadīth*. Perhaps this *Hadīth* ensues from Dāwūd bin Ḥuṣayn (one of the narrators); due to his (bad) memory.

دَاوُدُ بْنُ الْحُصَيْنِ عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: رَدَّ النَّبِيُّ ﷺ ابْنَتَهُ زَيْنَبَ عَلَى أَبِي الْعَاصِ بْنِ الرَّبِيعِ، بَعْدَ سِتِّ سِنِينَ، بِالنِّكَاحِ الْأَوَّلِ، وَلَمْ يُحْدِثْ نِكَاحًا.
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ لَيْسَ بِإِسْنَادِهِ بَأْسٌ، وَلَكِنْ لَا نَعْرِفُ وَجْهَ هَذَا الْحَدِيثِ، وَلَعَلَّهُ قَدْ جَاءَ هَذَا مِنْ قِبَلِ دَاوُدَ ابْنِ حُصَيْنٍ، مِنْ قِبَلِ حِفْظِهِ.

تخریج: [إسناده ضعيف] وأخرجه أبو داود، الطلاق، باب إلى متى ترد عليه امرأته إذا أسلم بعدها، ح: ٢٢٤٠ وابن ماجه، ح: ٢٠٠٩ من حديث محمد بن إسحاق بن يسار به وصحه الحاكم: ٦٣٨/٣، ٦٣٩ على شرط مسلم فقال الذهبي: "لا" * داود عن عكرمة، منكر كما قال ابن المديني وغيره وقال في التقريب: "ثقة إلا في عكرمة ورأي الخوارج".

1144. Ibn 'Abbās narrated: "A man became a Muslim during the time of the Prophet ﷺ, then his wife became a Muslim, so he said: 'O Messenger of Allāh! She accepted Islām along with me, so return her to me.' So he returned her to him." (*Da'if*)

This *Hadīth* is *Ṣaḥīḥ*. I heard 'Abd bin Ḥumaid saying: "I heard Yazīd bin Hārūn mentioning this *Hadīth* from Muḥammad bin Ishāq."

As for the narration of Al-Ḥajjāj, from 'Amr bin Shu'aib, from his father, from his grandfather: "The Prophet ﷺ returned his daughter Zainab to Abul-'Ās with a new dowry and a new wedding"—Yazīd bin Hārūn said: "The *Hadīth* of Ibn 'Abbās has a better chain." While the *Hadīth* of 'Amr bin Shu'aib is acted upon.

١١٤٤ - حَدَّثَنَا يُونُسُ بْنُ عِيسَى: حَدَّثَنَا وَكِيعٌ [قَالَ]: حَدَّثَنَا إِسْرَائِيلُ عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ رَجُلًا جَاءَ مُسْلِمًا عَلَى عَهْدِ النَّبِيِّ ﷺ، ثُمَّ جَاءَتْ امْرَأَتُهُ مُسْلِمَةً، فَقَالَ: يَا رَسُولَ اللَّهِ! إِنَّهَا كَانَتْ أَسْلَمْتُ مَعِيَ، فَرَدَّهَا عَلَيَّ، فَرَدَّهَا عَلَيْهِ. هَذَا حَدِيثٌ صَحِيحٌ. سَمِعْتُ عَبْدَ بْنَ حُمَيْدٍ يَقُولُ: سَمِعْتُ يَزِيدَ بْنَ هَارُونَ يَذْكُرُ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، هَذَا الْحَدِيثَ.

وَحَدِيثُ الْحَجَّاجِ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ النَّبِيَّ ﷺ رَدَّ ابْنَتَهُ زَيْنَبَ عَلَى أَبِي الْعَاصِ بِمَهْرٍ جَدِيدٍ وَنِكَاحٍ جَدِيدٍ. فَقَالَ يَزِيدُ بْنُ هَارُونَ: حَدِيثُ ابْنِ عَبَّاسٍ أَجْوَدُ إِسْنَادًا. وَالْعَمَلُ عَلَى حَدِيثِ عَمْرِو بْنِ شُعَيْبٍ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الطلاق، باب إذا أسلم أحد الزوجين، ح: ٢٢٣٨ من حديث وكيع به * سماك عن عكرمة، سلسلة ضعيفة.

Comments:

Most of the scholars say that if a husband accepts Islam after the prescribed waiting period of three months for a separated woman has passed, she does not remain his wife, and there is a need for new dowry and marriage.

Chapter 44. What Has Been Related About A Man Who Married A Woman Then He Died Before Stipulating The Dowry For Her

1145. ‘Alqamah narrated that Ibn Mas‘ūd was asked about a man who married a woman and he did not stipulate the dowry for her, and he did not enter into her until he died. So Ibn Mas‘ūd said: “She gets the same dowry as other women, no less and no more, she has to observe the *Iddah*, and she gets inheritance.” So Ma‘qil bin Sinān Al-Ashja‘ī stood and said: “The Messenger of Allāh ﷺ judged the same as you have judged regarding Birwa’ bint Wāshiq, a woman of ours.” So Ibn Mas‘ūd was happy about that. (*Ṣaḥīḥ*)

(He said:) There is something on this topic from Al-Jarrāḥ.

(Another chain for the same)

(Abū ‘Eisā said:) The *Ḥadīth* of Ibn Mas‘ūd is a *Ḥasan Ṣaḥīḥ Ḥadīth*, and it has been reported from him through other routes.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others, it is the view of Ath-Thawrī, Aḥmad, and Ishāq.

(المعجم ٤٤) - بَابُ مَا جَاءَ فِي الرَّجُلِ
يَتَزَوَّجُ الْمَرْأَةَ فَيَمُوتُ عَنْهَا قَبْلَ أَنْ
يَفْرِضَ لَهَا (التحفة ٤٣)

١١٤٥ - حَدَّثَنَا مُحَمَّدُ بْنُ غِيلَانَ: حَدَّثَنَا
يَزِيدُ بْنُ الْحُبَابِ: حَدَّثَنَا سُفْيَانُ عَنْ مَنْصُورٍ،
عَنْ إِثْرَاهِيمَ، عَنْ عُلْقَمَةَ، عَنْ ابْنِ مَسْعُودٍ، أَنَّهُ
سُئِلَ عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً وَلَمْ يَفْرِضْ لَهَا
صَدَاقًا، وَلَمْ يَدْخُلْ بِهَا حَتَّى مَاتَ، فَقَالَ ابْنُ
مَسْعُودٍ: لَهَا مِثْلُ صَدَاقِ نِسَائِهَا، لَا وَكُسَ وَلَا
شَطَطَ، وَعَلَيْهَا الْعِدَّةُ وَلَهَا الْمِيرَاثُ، فَقَامَ مَعْقِلُ
ابْنُ سِنَانٍ الْأَشْجَعِيُّ فَقَالَ: فَضَى رَسُولُ اللَّهِ ﷺ
فِي بَرُوعَ بِنْتِ وَاشِقٍ، امْرَأَةً مِنَّا، مِثْلُ مَا
فَضَيْتَ، فَفَرَحَ بِهَا ابْنُ مَسْعُودٍ، [قَالَ:] وَفِي
الْبَابِ عَنِ الْجَرَّاحِ.

حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ: حَدَّثَنَا
يَزِيدُ بْنُ هَارُونَ وَعَبْدُ الرَّزَّاقِ، كِلَاهُمَا عَنْ
سُفْيَانَ، عَنْ مَنْصُورٍ نَحْوَهُ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ ابْنِ مَسْعُودٍ
حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رُوِيَ عَنْهُ مِنْ غَيْرِ
وَحْجٍ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ
الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، وَبِهِ
يَقُولُ الثَّوْرِيُّ وَأَحْمَدُ وَإِسْحَاقُ.

Some of the people of knowledge among the Companions of the Prophet ﷺ, among them ‘Alī bin Abī Ṭālib, Zaid bin Thābit, Ibn ‘Abbās, and Ibn ‘Umar said that when a man marries a woman and he does not enter into her, and he does not stipulate a dowry for her until he dies, then she inherits but there is no dowry for her, and she observes the *Iddah*. This is the view of Ash-Shāfi‘ī. He said: “If the narration about Birwa’ bint Wāshiq is reliable then it is a proof reported from the Prophet ﷺ.” It has been related that in Egypt, Ash-Shāfi‘ī changed this view and his new rulings were in accord with the *Hadīth* about Birwa’ bint Wāshiq.

وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ: مِنْهُمْ عَلِيُّ بْنُ أَبِي طَالِبٍ وَزَيْدُ بْنُ ثَابِتٍ وَابْنُ عَبَّاسٍ وَابْنُ عُمَرَ: إِذَا تَزَوَّجَ الرَّجُلُ الْمَرْأَةَ وَلَمْ يَدْخُلْ بِهَا وَلَمْ يَفْرِضْ لَهَا صَدَاقًا حَتَّى مَاتَ، قَالُوا: لَهَا الْمِيرَاثُ، وَلَا صَدَاقَ لَهَا، وَعَلَيْهَا الْعِدَّةُ، وَهُوَ قَوْلُ الشَّافِعِيِّ، وَقَالَ: لَوْ ثَبَتَ حَدِيثُ بَرُوعَ بِنْتِ وَاشِقٍ لَكَانَتْ الْحُجَّةُ فِيمَا رُوِيَ عَنِ النَّبِيِّ ﷺ، وَرُوِيَ عَنِ الشَّافِعِيِّ أَنَّهُ رَجَعَ بِمُضَرٍّ بَعْدَ عَنْ هَذَا الْقَوْلِ، وَقَالَ بِحَدِيثِ بَرُوعَ بِنْتِ وَاشِقٍ.

تخريج: [صحيح] وأخرجه أبو داود، النكاح، باب: فيمن تزوج ولم يسم لها صداقًا حتى مات، ح: ٢١١٥ وابن ماجه، ح: ١٨٩١ (تعليقًا) من حديث سفيان الثوري به وصححه البيهقي: ٧/ ٢٤٥ وللحديث شواهد منها عند النسائي، ح: ٣٣٦٠ وصححه ابن حبان، ح: ١٢٦٣ والحاكم على شرط مسلم: ١٨٠/٢ ووافقه الذهبي، وإسناده صحيح.

Comments:

This narration of Birwa’ bint Wāshiq is a *Ṣaḥīḥ* narration and it proves that if the husband dies without fixing dowry, and without having sexual intercourse, she will get the dowry. She will become an heir and will pass the waiting period prescribed for a widow.

In the Name of Allāh,
the Merciful, the Beneficent

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

10. The Chapters On Suckling

(المعجم ١٠) أَبْوَابُ الرِّضَاعِ

(التحفة ٨)

Chapter 1. What Has Been Related About: Suckling Makes Unlawful Whatever Lineage Makes Unlawful

(المعجم ١) - بَابُ مَا جَاءَ يُحَرِّمُ مِنَ الرِّضَاعِ مَا يُحَرِّمُ مِنَ النَّسَبِ (التحفة ١)

1146. ‘Alī (bin Abī Ṭālib) narrated that the Messenger of Allāh ﷺ said: “Indeed Allāh has made unlawful through suckling whatever He made unlawful through lineage.” (*Ṣaḥīḥ*)

He said: There are narrations on this topic from ‘Āishah, Ibn ‘Abbās, and Umm Ḥabībah.

(Abū ‘Eīsā said:) This is a *Ṣaḥīḥ Hadīth*.

١١٤٦ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبرَاهِيمَ: حَدَّثَنَا عَلِيُّ بْنُ زَيْدٍ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ عَلِيٍّ [ابْنِ أَبِي طَالِبٍ] قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ اللَّهَ حَرَّمَ مِنَ الرِّضَاعِ مَا حَرَّمَ مِنَ النَّسَبِ». قَالَ: وَفِي الْبَابِ عَنْ عَائِشَةَ وَابْنِ عَبَّاسٍ وَأُمِّ حَبِيبَةَ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ صَحِيحٌ.

تخریج: [صحيح] وأخرجه أحمد: ١٣١/١ والنسائي في الكبرى، ح: ٥٤٣٨ من حديث علي ابن زيد بن جدهان وسنده ضعيف به وللحديث شواهد كثيرة، منها الحديث الآتي * وفي الباب عن عائشة [يأتي: ١١٤٧] وابن عباس [البخاري، ح: ٥١٠٠ ومسلم: ١٤٤٧] وأم حبيبة [البخاري ح: ٥١٠١ ومسلم، ح: ١٤٤٩].

Comments:

Kinship by suckling develops only among the child who sucked and the woman and her relatives who suckled. Other brothers and sisters of the suckling will not develop a foster relationship.

1147. ‘Āishah narrated that the Messenger of Allāh ﷺ said: “Indeed Allāh has made unlawful through suckling whatever He made unlawful through birth.” (*Ṣaḥīḥ*)

١١٤٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ [الْقَطَّانُ]: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ؛ ح: وَحَدَّثَنَا إِسْحَاقُ بْنُ مُوسَى

(Abū 'Eisā said:) This *Ḥadīth* is *Hasan Ṣaḥīḥ*, and the *Ḥadīth* of 'Alī is *Ṣaḥīḥ*.

This is acted upon according to the people of knowledge in general among the Companions of the Prophet ﷺ and others. We do not know of any disagreement among them about that.

الْأَنْصَارِيُّ قَالَ: حَدَّثَنَا مَعْنُ [قَالَ]: حَدَّثَنَا مَالِكٌ عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ اللَّهَ حَرَّمَ مِنَ الرِّضَاعَةِ مَا حَرَّمَ مِنَ الْوِلَادَةِ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، وَحَدِيثٌ عَلِيٌّ حَدِيثٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ عَامَّةِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، لَا نَعْلَمُ بَيْنَهُمْ فِي ذَلِكَ اخْتِلَافًا.

تخريج: [صحيح] وأخرجه النسائي، النكاح، باب ما يحرم من الرضاع: ٩٨/٦، ٩٩، ح: ٣٢٠٢ من حديث يحيى القطان به والحديث في الموطأ: ٦٠٧/٢ (يحيى) بسند "سليمان بن يسار عن عروة بن الزبير عن عائشة" وأخرجه البخاري، ح: ٤٧٩٦ ومسلم، ح: ١٤٤٥ من حديث عروة به.

Chapter 2. What Has Been Related About A Man's Milk^[1]

(المعجم ٢) - بَابُ مَا جَاءَ فِي لَبَنِ

الْفَخْلِ (التحفة ٢)

1148. 'Āishah narrated: "My uncle through suckling came and asked permission (to enter) but I refused to admit him until I asked the Messenger of Allāh ﷺ. So the Messenger of Allāh ﷺ said: 'Let him in since he is your uncle.'" She said: "It is only the woman who suckled me; I was not suckled by the man." So he said: 'Indeed he is your uncle, so let him in.'" (*Ṣaḥīḥ*)

(Abū 'Eisā said:) This *Ḥadīth* is *Hasan Ṣaḥīḥ*. This is acted upon according to some of the people of knowledge among the Companions

١١٤٨ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ [الْخَلَّالُ]: حَدَّثَنَا ابْنُ نُمَيْرٍ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: جَاءَ عَمِّي مِنَ الرِّضَاعَةِ يَسْتَأْذِنُ عَلَيَّ، فَأَبَيْتُ أَنْ أَذِنَ لَهُ حَتَّى أَسْتَأْمِرَ رَسُولَ اللَّهِ ﷺ فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَلْيَلِجْ عَلَيْكَ فَإِنَّهُ عَمُّكَ» قَالَتْ: إِنَّمَا أَرْضَعْتَنِي الْمَرْأَةَ وَلَمْ يُرْضِعْنِي الرَّجُلَ، قَالَ: «فَإِنَّهُ عَمُّكَ فَلْيَلِجْ عَلَيْكَ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ

^[1] The milk that a woman produces as a result of the man having intercourse with her.

of the Prophet ﷺ and others. They considered the man's milk to be a prohibitor based upon this *Hadīth* of 'Aishah. Some of the people of knowledge permitted (marriage) in the case of the man's milk. But the first view is more correct.

صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، كَرَهُوا لَبْنَ الْفَحْلِ، وَالْأَصْلُ فِي هَذَا حَدِيثُ عَائِشَةَ، وَقَدْ رَخَّصَ بَعْضُ أَهْلِ الْعِلْمِ فِي لَبَنِ الْفَحْلِ، وَالْقَوْلُ الْأَوَّلُ أَصَحُّ.

تخريج: متفق عليه، وأخرجه مسلم، الرضاع، باب تحريم الرضاعة من ماء الفحل، ح: ١٤٤٥ من حديث ابن نمير والبخاري، ح: ٥٢٣٩ من حديث هشام بن عروة به.

Comments:

As a woman who suckles is the mother of the suckling, her sister is a maternal aunt of the suckling and her husband is father and her husband's brother is uncle, and her husband's sister is, paternal aunt of the suckling. These are foster relations.

1149. 'Amr bin Ash-Sharīd narrated that Ibn 'Abbās was asked about the case in which a man had two slave girls, one of them suckled a girl and the other suckled a boy, is it lawful for the boy to marry the girl? So he said: "No, the semen is the same." (*Ḍa'if*)

(Abū 'Eīsā said:) This is the explanation of the man's milk, and this is the basis of this topic. This is the view of Aḥmad and Ishāq.

١١٤٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ؛ ح: وَحَدَّثَنَا الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُ [قَالَ]: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنِ ابْنِ شِهَابٍ، عَنْ عَمْرِو بْنِ الشَّرِيدِ، عَنِ ابْنِ عَبَّاسٍ أَنَّهُ سُئِلَ عَنْ رَجُلٍ لَهُ جَارِيَتَانِ، أَرْضَعَتْ إِحْدَاهُمَا جَارِيَةً وَالْأُخْرَى عُلَامًا، أَيَحِلُّ لِلْعُلَامِ أَنْ يَتَزَوَّجَ الْجَارِيَةَ؟ فَقَالَ: لَا، اللَّقَاحُ وَاحِدٌ.

[قَالَ أَبُو عِيسَى]: وَهَذَا تَفْسِيرُ لَبَنِ الْفَحْلِ وَهَذَا الْأَصْلُ فِي هَذَا الْبَابِ، وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ.

تخريج: [إسناده ضعيف] وأخرجه البيهقي: ٤٥٣/٧ من حديث مالك به وهو في الموطأ: ٢/ ٦٠٢ ح ١٣١٧ الزهري مدلس وعنعن.

Chapter 3. What Has Been Related About: One Sip Or Two Sips Will Not Make A Prohibition

1150. 'Abdullāh bin Az-Zubair

(المعجم ٣) - بَابُ مَا جَاءَ لَا تُحَرِّمُ النَّمَصَّةَ وَلَا الْمَصَّتَانِ (التحفة ٣)

١١٥٠ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ

narrated from ‘Āishah from the Prophet ﷺ who said: “One sip or two sips do not make a prohibition.” (*Ṣaḥīh*)

(He said:) There are narrations on this topic from Umm Al-Faḍl, Abū Hurairah, Az-Zubair [bin Al-‘Awwām], and Ibn Az-Zubair, from ‘Āishah, from the Prophet ﷺ, that he said: “One sip or two sips do not make a prohibition.”

Muḥammad bin Dīnār reported it from Hishām bin ‘Urwah, from his father, from ‘Abdullāh bin Az-Zubair, from Az-Zubair, from the Prophet ﷺ. So Muḥammad bin Dīnār [Al-Baṣrī] added: “from Az-Zubair, from the Prophet ﷺ” and this is not preserved. What is correct according to the people of *Ḥadīth* is the narration of Ibn Abī Mulaikah, from ‘Abdullāh bin Az-Zubair, from ‘Āishah, from the Prophet ﷺ.

(Abū ‘Eisā said:) The *Ḥadīth* of ‘Āishah is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

(I asked Muḥammad about this *Ḥadīth*, and he said: “What is correct is: ‘From Ibn Az-Zubair, from ‘Āishah.’ As for the *Ḥadīth* of Muḥammad bin Dīnār, he added in it: ‘From Az-Zubair’ while it should be ‘Hishām bin ‘Urwah, from his father, from Az-Zubair.’”) (

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others.

‘Āishah said: “What was revealed in the Qur’ān was ten well-known sucklings, five were abrogated from

الأعلى] الصَّغَانِي [قَالَ:] حَدَّثَنَا الْمُعْتَمِرُ ابْنُ سُلَيْمَانَ قَالَ: سَمِعْتُ أَيُّوبَ يُحَدِّثُ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي مُلَيْكَةَ، عَنْ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تُحَرِّمُ الْمَصَّةُ وَلَا الْمَصَّتَانِ». [قَالَ:] وَفِي الْبَابِ عَنْ أُمِّ الْفَضْلِ وَأَبِي هُرَيْرَةَ وَالزُّبَيْرِ [بْنِ الْعَوَّامِ] وَابْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَا تُحَرِّمُ الْمَصَّةُ وَالْمَصَّتَانِ».

وَرَوَى مُحَمَّدُ بْنُ دِينَارٍ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ، عَنِ الزُّبَيْرِ عَنِ النَّبِيِّ ﷺ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ، وَزَادَ فِيهِ مُحَمَّدُ بْنُ دِينَارٍ [الْبَصْرِيُّ] عَنِ الزُّبَيْرِ عَنِ النَّبِيِّ ﷺ وَهُوَ غَيْرُ مَحْفُوظٍ. وَالصَّحِيحُ عِنْدَ أَهْلِ الْحَدِيثِ حَدِيثُ ابْنِ أَبِي مُلَيْكَةَ عَنْ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ عَائِشَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

[وَسَأَلْتُ مُحَمَّدًا عَنْ هَذَا فَقَالَ: الصَّحِيحُ عَنِ ابْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ وَحَدِيثُ مُحَمَّدِ ابْنِ دِينَارٍ وَزَادَ فِيهِ عَنِ الزُّبَيْرِ وَإِنَّمَا هُوَ هِشَامُ ابْنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنِ الزُّبَيْرِ]. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ قَالَتْ عَائِشَةُ: أَنْزَلَ فِي الْقُرْآنِ عَشْرَ رَضَعَاتٍ مَعْلُومَاتٍ فَنَسَخَ مِنْ ذَلِكَ خَمْسًا وَصَارَ إِلَى خَمْسٍ رَضَعَاتٍ

that, so it became five well-known sucklings. Then the Messenger of Allāh ﷺ died and the matter remained like that.”

(A chain of narration for that)

This is the judgement of ‘Āishah as well as some of the wives of the Prophet ﷺ, and it is the view of Ash-Shāfi‘ī and Ishāq.

Aḥmad’s view was in accordance with the *Ḥadīth* of the Prophet ﷺ: “One sip or two sips do not make a prohibition.” And he said: “If someone followed the opinion of ‘Āishah about five sucklings then such a view would be strong.” And he hesitated saying anything about that.

Some of the people of knowledge among the Companions of the Prophet ﷺ and others said that a little suckling or a lot (both) makes a prohibition, provided that it reaches the stomach. This is the view of Sufyān Ath-Thawrī, Mālik bin Anas, Al-Awzā‘ī, ‘Abdullāh bin Al-Mubārak, Wakī‘, and the people of Al-Kūfah.

(‘Abdullāh bin Abī Mulaikah is ‘Abdullāh bin ‘Ubaidullāh bin Abī Mulaikah, and his *Kunya* is Abū Muḥammad, and ‘Abdullāh bin Az-Zubair had him as a judge in At-Tā‘if.)

(Ibn Juraij narrated that Ibn Abī Mulaikah said: “I saw thirty Companions of the Prophet ﷺ.”)

مَعْلُومَاتٍ فَتَوَفَّى رَسُولُ اللَّهِ ﷺ وَالْأَمْرُ عَلَى ذَلِكَ.

حَدَّثَنَا بِذَلِكَ إِسْحَاقُ بْنُ مُوسَى الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُ: حَدَّثَنَا مَالِكٌ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ بِهَذَا، وَبِهَذَا كَانَتْ عَائِشَةُ تُفْتِي وَبَعْضُ أَرْوَاجِ النَّبِيِّ ﷺ، وَهُوَ قَوْلُ الشَّافِعِيِّ وَإِسْحَاقَ، وَقَالَ أَحْمَدُ بِحَدِيثِ النَّبِيِّ ﷺ: «لَا تَحَرِّمُ الْمَصَّةُ وَلَا الْمَصَّتَانِ» وَقَالَ: إِنْ ذَهَبَ ذَاهِبٌ إِلَى قَوْلِ عَائِشَةَ فِي خَمْسِ رَضَعَاتٍ فَهُوَ مَذْهَبٌ قَوِيٌّ، وَجِبْنَ عَنْهُ أَنْ يَقُولَ فِيهِ شَيْئًا.

وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: يُحَرِّمُ قَلِيلُ الرِّضَاعِ وَكَثِيرُهُ إِذَا وَصَلَ إِلَى الْجَوْفِ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَمَالِكِ بْنِ أَنَسٍ وَالْأَوْزَاعِيِّ وَعَبْدِ اللَّهِ بْنِ الْمُبَارَكِ وَوَكَيْعٍ وَأَهْلِ الْكُوفَةِ. [عَبْدُ اللَّهِ بْنُ أَبِي مُلَيْكَةَ هُوَ عَبْدُ اللَّهِ بْنُ عُيَيْدِ اللَّهِ بْنِ أَبِي مُلَيْكَةَ وَيُكْنَى أَبَا مُحَمَّدٍ، وَكَانَ عَبْدُ اللَّهِ بْنُ الزُّبَيْرِ قَدْ اسْتَفْضَاهُ عَلَى الطَّائِفِ].

[وَقَالَ ابْنُ جُرَيْجٍ عَنْ ابْنِ أَبِي مُلَيْكَةَ قَالَ: أَذْرَكْتُ ثَلَاثِينَ مِنْ أَصْحَابِ النَّبِيِّ ﷺ].

تخریج: وأخرجه مسلم، الرضاع، باب في المصصة والمصتان، ح: ١٤٥٠ من حديث المعتمر به * وفي الباب عن أم الفضل [مسلم، ح: ١٤٥١] وأبي هريرة [النسائي في الكبرى، ح: ٥٤٦٠،

[٥٤٦١] والزبير بن العوام [النسائي في الكبرى، ح: ٥٤٥٧] وابن الزبير [النسائي في الصغرى، ح: ٣٣١١] * حديث مالك عن عبدالله بن أبي بكر عن عمرة عن عائشة وأخرجه مسلم، الرضاع، باب التحريم بخمس رضعات، ح: ٢٤/١٤٥٢ وهو في الموطأ: ٦٠٨/٢ (يحيى).

Chapter 4. What Has Been Related About One Woman's Testimony About Suckling

1151. ‘Abdullāh bin Abī Mulaikah narrated: “‘Ubaid bin Abī Maryam narrated to me from ‘Uqbah bin Al-Hārith” and, he (‘Abdullāh bin Abī Mulaikah) said: “And I heard it from ‘Uqbah bin Al-Hārith, but to me, the narration of ‘Ubaid is better preserved; he said: (‘Uqbah bin Al-Hārith narrated:) “I married a woman, then a black woman came to us and she said: ‘I suckled both of you.’ So I went to the Prophet ﷺ and said: ‘I married so-and-so the daughter of so-and-so, then a black woman came to us and said: “I suckled both of you” but she is a liar.” He said: “Then he (ﷺ) turned away from me.” He said: “So I went around to face him (and he (ﷺ) turned his face away from me) so I said: ‘She is a liar.’ He said: ‘How can you stay with her while she claims that she suckled both of you? Leave her.’” (*Ṣaḥīḥ*)

(He said: There is something on this topic from Ibn ‘Umar).

(Abū ‘Eisā said:) The *Ḥadīth* of ‘Uqbah bin Al-Hārith is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This *Ḥadīth* has been reported by others, from Ibn Abī Mulaikah, from ‘Uqbah bin Al-Hārith, and they did not mention ‘Ubaid bin Abī Maryam in it, and

(المعجم ٤) - بَابُ مَا جَاءَ فِي شَهَادَةِ الْمَرْأَةِ الْوَاحِدَةِ فِي الرِّضَاعِ (التحفة ٤)

١١٥١ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ أُتُوبٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي مُلَيْكَةَ قَالَ: حَدَّثَنِي عُيَيْدُ بْنُ أَبِي مَرْيَمَ عَنْ عُقْبَةَ بْنِ الْحَارِثِ قَالَ: وَسَمِعْتُهُ مِنْ عُقْبَةَ وَلِكِنِّي لِحَدِيثِ عُيَيْدٍ أَحْفَظُ قَالَ: تَزَوَّجْتُ امْرَأَةً فَجَاءَتْنَا امْرَأَةٌ سَوْدَاءُ فَقَالَتْ: إِنِّي قَدْ أَرْضَعْتُكُمَا، فَأْتَيْتُ النَّبِيَّ ﷺ فَقُلْتُ: تَزَوَّجْتُ فُلَانَةَ بِنْتَ فُلَانٍ فَجَاءَتْنَا امْرَأَةٌ سَوْدَاءُ فَقَالَتْ: إِنِّي قَدْ أَرْضَعْتُكُمَا وَهِيَ كَاذِبَةٌ، قَالَ: فَأَعْرَضَ عَنِّي، قَالَ: فَأْتَيْتُهُ مِنْ قِبَلٍ وَجْهِهِ. [فَأَعْرَضَ عَنِّي بِوَجْهِهِ] فَقُلْتُ: إِنَّهَا كَاذِبَةٌ، قَالَ: «وَكَيْفَ بِهَا وَقَدْ زَعَمْتَ أَنَّهَا قَدْ أَرْضَعْتُكُمَا، دَعَهَا عَنْكَ».

[قَالَ: وَفِي الْبَابِ، عَنِ ابْنِ عُمَرَ].

[قَالَ أَبُو عِيسَى:] حَدِيثُ عُقْبَةَ بْنِ الْحَارِثِ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رَوَى غَيْرُ وَاحِدٍ هَذَا الْحَدِيثَ عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنْ عُقْبَةَ بْنِ الْحَارِثِ. وَلَمْ يَذْكُرُوا فِيهِ عَنْ عُيَيْدِ بْنِ أَبِي مَرْيَمَ وَلَمْ يَذْكُرُوا فِيهِ «دَعَهَا عَنْكَ» وَالْعَمَلُ عَلَى هَذَا [الْحَدِيثِ] عِنْدَ

they did not mention "Leave her" in it.

This (*Hadīth*) is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They accepted the testimony of one woman about suckling.

Ibn 'Abbās said: "One woman's testimony about suckling is acceptable, and her oath is to be taken." This is the view of Aḥmad and Ishāq. Some of the people of knowledge said that the testimony of one woman about suckling is not acceptable, not until there are more. This is the view of Ash-Shāfi'i. I heard Al-Jārūd bin Mu'ādh saying: "I heard Waki' saying: 'One woman's testimony about suckling is not acceptable to pass a decisive judgement, but they are separated out of caution.'"

تخریج: وأخرجه البخاري، النكاح، باب شهادة المرضعة، ح: ٥١٠٤ من حديث إسماعيل وهو ابن عليّة به * وفي الباب عن ابن عمر [لم أجده].

Comments:

According to Imām Aḥmad, Ishāq, Awzā'i and others, concerning the issue of suckling, testimony of one woman is enough provided she is the lady who suckled.

Chapter 5. What Has Been Related About: Suckling Does Not Make A Prohibition Except During Infancy Less Than Two Years

(المعجم ٥) - بَابُ مَا جَاءَ أَنَّ الرِّضَاعَةَ لَا تُحَرِّمُ إِلَّا فِي الصَّغَرِ دُونَ الْحَوْلَيْنِ (التحفة ٥)

1152. Umm Salamah narrated that the Messenger of Allāh ﷺ said: "No prohibition results from suckling except for what penetrates the intestines while on the breast before weaning." (*Ṣaḥīḥ*)

١١٥٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ فَاطِمَةَ بِنْتِ الْمُنْذَرِ [وَفَاطِمَةُ بِنْتُ الْمُنْذَرِ بِنْتُ الزُّبَيْرِ ابْنِ الْعَوَامِ هِيَ امْرَأَةُ هِشَامِ بْنِ عُرْوَةَ]، عَنْ

بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، أَجَازُوا شَهَادَةَ الْمَرْأَةِ الْوَاحِدَةِ فِي الرِّضَاعِ.

وَقَالَ ابْنُ عَبَّاسٍ: تَجُوزُ شَهَادَةُ امْرَأَةٍ وَاحِدَةٍ فِي الرِّضَاعِ، وَيُؤْذَنُ يَمِينُهَا، وَبِهِ يَقُولُ أَحْمَدُ وَإِسْحَاقُ، وَقَدْ قَالَ بَعْضُ أَهْلِ الْعِلْمِ: لَا تَجُوزُ شَهَادَةُ الْمَرْأَةِ الْوَاحِدَةِ فِي الرِّضَاعِ حَتَّى يَكُونَ أَكْثَرُ. وَهُوَ قَوْلُ الشَّافِعِيِّ. سَمِعْتُ الْجَارُودَ بْنَ مُعَاذٍ يَقُولُ: سَمِعْتُ وَكِيعًا يَقُولُ: لَا تَجُوزُ شَهَادَةُ امْرَأَةٍ وَاحِدَةٍ فِي الرِّضَاعِ فِي الْحُكْمِ، وَيُقَارِفُهَا فِي الْوَرَعِ.

(Abū 'Eisā said:) This *Hadīth* is *Hasan Ṣaḥīḥ*. This is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others: Suckling does not make a prohibition except when it occurs before two years of age, and whatever comes after two years are completed then it does not make anything unlawful.

أُمِّ سَلَمَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يُحَرِّمُ مِنَ الرِّضَاعَةِ إِلَّا مَا فَتَقَ الْأَمْعَاءُ فِي الثَّدْيِ، وَكَانَ قَبْلَ الْفِطَامِ».
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، أَنَّ الرِّضَاعَةَ لَا تُحَرِّمُ إِلَّا مَا كَانَ دُونَ الْحَوْلَيْنِ وَمَا كَانَ بَعْدَ الْحَوْلَيْنِ الْكَامِلَيْنِ، فَإِنَّهُ لَا يُحَرِّمُ شَيْئًا.

تخريج: [صحيح] وأخرجه ابن حبان (موارد): ١٢٥٠ من حديث أبي عوانة به وللحديث شواهد كثيرة جداً.

Comments:

It is clear from this narration, that a prohibition suckling is from that milk which serves the purpose of proper food, and there is no need of any kind of food other than this. 'What penetrates in the intestines' means what fills the stomach and there is no need for further food, and this routine of feeding continues till weaning.

Chapter 6. What Fulfills The Rights Of The Foster Relationship (From Suckling)

(المعجم ٦) - بَابُ مَا يُذْهَبُ مَدَمَّةٌ
الرِّضَاعِ (التحفة ٦)

1153. Hajjāj bin Hajjāj Al-Aslamī narrated that his father asked the Prophet ﷺ: "O Messenger of Allāh! What will remove the responsibility of the foster relationship from me?" So he said: "A *Ghurrah*^[1]: a male slave or a female slave." (*Hasan*)

(Abū 'Eisā said:) This *Hadīth* is *Hasan Ṣaḥīḥ*.

As for his saying: "What will remove the responsibility of the

١١٥٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ عَنْ هِشَامِ بْنِ عُزْوَةَ، عَنْ أَبِيهِ، عَنْ حَجَّاجِ بْنِ حَجَّاجٍ الْأَسْلَمِيِّ، عَنْ أَبِيهِ: أَنَّهُ سَأَلَ النَّبِيَّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! مَا يُذْهَبُ عَنِّي مَدَمَّةَ الرِّضَاعِ؟ فَقَالَ: «عُرَّةٌ عَبْدٌ أَوْ أَمَةٌ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

[1] Meaning the best type of slave. See *Tuhfat Al-Ahwadhī*.

foster relationship from me?” It is said that by that, he only meant the responsibility and rights due from the suckling. So when you give the woman who suckled you a male or female slave, then you have fulfilled her right. And it has been related that Abū At-Ṭufail said: “I was sitting with the Prophet ﷺ when a woman entered’ so he ﷺ spread out his *Ridā*’ for her to sit on. When she left it was said: ‘She was the one who suckled the Prophet ﷺ.’”

This is how Yahya bin Sa‘eed and Hātim bin Ismā‘il and others reported it (no. 1153): From Hishām bin ‘Urwah, from his father, from Ḥajjāj bin Ḥajjāj, from his father, from the Prophet ﷺ.

Sufyān bin ‘Uyainah reported it from Hishām bin ‘Urwah, from his father, from Ḥajjāj bin Abī Ḥajjāj, from his father, from the Prophet ﷺ. But the narration of Ibn ‘Uyainah is not preserved.

What is correct is what these people reported from Hishām bin ‘Urwah, from his father. Hishām bin ‘Urwah’s *Kunyah* is Abū Al-Mundhir, and he saw Jābir bin ‘Abdullāh, (Ibn ‘Umar, Fāṭimah bint Al-Mundhir bin Az-Zubair bin Al-‘Awwām – and she is Hishām bin ‘Urwah’s wife).

تخريج: [إسناده حسن] وأخرجه أبو داود، النكاح، باب: في الرضخ عند الفصال، ح: ٢٠٦٤ والنسائي: ١٠٨/٦، ح: ٣٣٣١ من حديث هشام به وصحه ابن حبان، ح: ١٢٥٣، ١٢٥٤ وللحديث شواهد كثيرة (مجمع الزوائد: ٤/ ٢٦٢ وغيره).

Comments:

This narration shows that giving a slave or slave girl as a gift to the suckling

وَمَعْنَى قَوْلِهِ: مَا يُذْهَبُ عَنِّي مَدَمَّةَ الرِّضَاعِ. يَقُولُ: إِنَّمَا يَغْنِي [بِهِ] ذِمَامَ الرِّضَاعَةِ وَحَقَّهَا، يَقُولُ: إِذَا أُعْطِيتِ الْمُرْضِعَةُ عَبْدًا أَوْ أَمَةً، فَقَدْ قَضَيْتِ ذِمَامَهَا، وَيُرَوَّى عَنْ أَبِي الطُّفَيْلِ. قَالَ: كُنْتُ جَالِسًا مَعَ النَّبِيِّ ﷺ إِذْ أَقْبَلَتْ امْرَأَةً فَبَسَطَ النَّبِيُّ ﷺ رِدَاءَهُ حَتَّى قَعَدْتُ عَلَيْهِ فَلَمَّا ذَهَبَتْ قِيلَ: هِيَ كَانَتْ أَرْضَعَتِ النَّبِيَّ ﷺ.

هَكَذَا رَوَاهُ يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ، وَحَاتِمُ بْنُ إِسْمَاعِيلَ، وَغَيْرُ وَاحِدٍ عَنْ هِشَامِ ابْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ حَجَّاجِ بْنِ حَجَّاجٍ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ.

وَرَوَى سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ حَجَّاجِ بْنِ أَبِي حَجَّاجٍ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ. وَحَدِيثُ ابْنِ عُيَيْنَةَ غَيْرُ مَحْفُوظٍ.

وَالصَّحِيحُ مَا رَوَى هُؤَلَاءُ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ. وَهِشَامُ بْنُ عُرْوَةَ يُكْنَى أَبَا الْمُنْذِرِ، وَقَدْ أَدْرَكَ جَابِرُ بْنُ عَبْدِ اللَّهِ [وَابْنَ عُمَرَ، وَفَاطِمَةَ بِنْتَ الْمُنْذِرِ بْنِ الزُّبَيْرِ بْنِ الْعَوَّامِ - هِيَ امْرَأَةُ هِشَامِ بْنِ عُرْوَةَ -].

mother by the suckling is an acknowledgement and a token repayment of her help and services which she rendered to the suckling. Ḥalimah, the suckling mother of the Prophet ﷺ visited him on the occasion of the battle of Hunain.

Chapter 7. What Has Been Related About A Slave Woman Who Is Freed But She Has A Husband

1154. ‘Āishah narrated: “Barīrah’s husband was a slave, so the Messenger of Allāh ﷺ let her chose, and she chose herself, and if he was a free man she would not have had a choice.”^[1] (*Ṣaḥīḥ*)

تخريج: وأخرجه مسلم، العتق، باب بيان أن الولاء لمن أعتق، ح: ٩/١٥٠٤ من حديث جرير بن عبد الحميد به.

1155. ‘Āishah narrated: “Barīrah’s husband was a free man, so the Messenger of Allāh ﷺ let her chose.” (*Ḍa‘īf*)

(Abū ‘Eīsā said:) The *Hadīth* of ‘Āishah is *Ḥasan Ṣaḥīḥ*. This is how it (no. 1154) was reported by Hishām bin ‘Urwah, from his father, from ‘Āishah that she said: “Barīrah’s husband was a slave.” ‘Ikrimah reported it from Ibn ‘Abbās who said: “I saw Barīrah’s husband, and he was a slave named Mughīth.” This is how it was reported from Ibn ‘Umar.

This is acted upon according to some of the people of knowledge. They said that when a slave woman is married to a free man and she is

(المعجم ٧) - بَابُ مَا جَاءَ فِي الْأُمَةِ
تُعْتَقُ وَلَهَا زَوْجٌ (التحفة ٧)

١١٥٤ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ زَوْجُ بَرِيرَةَ عَبْدًا، فَخَيَّرَهَا رَسُولُ اللَّهِ ﷺ فَاخْتَارَتْ نَفْسَهَا، وَلَوْ كَانَ حُرًّا لَمْ يُخَيَّرَهَا.

١١٥٥ - حَدَّثَنَا هَذَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ زَوْجُ بَرِيرَةَ حُرًّا، فَخَيَّرَهَا رَسُولُ اللَّهِ ﷺ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ عَائِشَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ، هَكَذَا رَوَى هِشَامُ بْنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ زَوْجُ بَرِيرَةَ عَبْدًا. وَرَوَى عِكْرَمَةُ عَنِ ابْنِ عَبَّاسٍ قَالَ: رَأَيْتُ زَوْجَ بَرِيرَةَ، وَكَانَ عَبْدًا يُقَالُ لَهُ مُغِيثٌ.

وَهَكَذَا رَوَى عَنْ ابْنِ عُمَرَ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ. وَقَالُوا: إِذَا

^[1] This last phrase was interpolated by ‘Urwah (a narrator in the *Hadīth*). See *Tuhfat Al-Ahwardhi*.

freed, then she has no choice. She only has a choice when she is freed and she was married to a slave.

This is the view of Ash-Shāfiʿī, Aḥmad and Ishāq.

More than one narrator reported the story of Barīrah from Al-Aʿmash, from Ibrāhīm, from Al-Aswad, from ʿAīshah. Al-Aswad said: "And her husband was a free man."

And this is acted upon according to some of the people of knowledge among the Ṭābiʿīn and others, and it is the view of Sufyān Ath-Thawrī and the people of Al-Kūfah.

كَانَتِ الْأُمَّةُ تَحْتَ الْحُرِّ فَأُعْتِقَتْ، فَلَا خِيَارَ لَهَا، وَإِنَّمَا يَكُونُ لَهَا الْخِيَارُ إِذَا أُعْتِقَتْ وَكَانَتْ تَحْتَ عَبْدٍ. وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ.

وَرَوَى غَيْرُ وَاحِدٍ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ زَوْجُ بَرِيرَةَ حُرًّا فَخَيَّرَهَا رَسُولُ اللَّهِ ﷺ.

وَرَوَى أَبُو عَوَانَةَ هَذَا الْحَدِيثَ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ، فِي قِصَّةِ بَرِيرَةَ، قَالَ الْأَسْوَدُ: وَكَانَ زَوْجُهَا حُرًّا. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنَ التَّابِعِينَ وَمَنْ بَعْدَهُمْ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَأَهْلِ الْكُوفَةِ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الطلاق، باب من قال كان حراً، ح: ٢٢٣٥ من حديث إبراهيم النخعي به ولم أجد تصريح سماعه، وقول الراوي: "كان زوج بريرة حراً" هو قول الأسود رحمه الله وقال ابن حبان (الإحسان): ٤٢٥٧ وإن الأسود وأهم في قوله: "كان حراً".

1156. Ibn ʿAbbās narrated: "Barīrah's husband was a black slave belonging to Banū Al-Mughīrah. On the day that Barīrah was freed. By Allāh! It is as if I can see him in the streets of Al-Madīnah behind her. Indeed tears were flowing down his beard while he was trying to get her to chose to stay with him, but she did not do it." (*Ṣaḥīḥ*)

(Abū ʿEīsā said:) This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. Saʿeed bin Abī ʿArūbah (one of the narrators) is Saʿeed bin Mīhrān, and his *Kunyāh* is Abū An-Naḍr.

١١٥٦ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا عَبْدُهُ عَنْ سَعِيدِ [بْنِ أَبِي عَرُوبَةَ]، عَنْ أَيُّوبَ وَقَتَادَةَ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ أَنَّ زَوْجَ بَرِيرَةَ كَانَ عَبْدًا أَسْوَدَ لِبَنِي الْمُغِيرَةِ، يَوْمَ أُعْتِقَتْ بَرِيرَةُ. وَاللَّهِ! لَكَأَنِّي بِهِ فِي طُرُقِ الْمَدِينَةِ وَنَوَاحِيهَا، وَإِنَّ دُمُوعَهُ لَتَسِيلُ عَلَى لِحْيَتِهِ، يَتَرَضَّاهَا لِتَخْتَارَهُ، فَلَمْ تَفْعَلْ.

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَسَعِيدُ بْنُ أَبِي عَرُوبَةَ هُوَ سَعِيدُ بْنُ مِهْرَانَ، وَيُكْنَى أَبَا النَّضْرِ.

تخريج: وأخرجه البخاري، ح: ٥٢٨٠، ٥٢٨٢ من حديث أبيوب السخيتاني به.

Comments:

If the husband of a slave woman is a slave at the time of her freedom, she gets the right to stay with her husband or to leave him. If the husband is a free person at the time of her freedom, she loses this privilege.

Chapter 8. What Has Been Related About The Child Belongs To The Bed

1157. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "The child is for the bed, and for the fornicator is the stone."^[1] (*Ṣaḥīḥ*)

He said: There are narrations on this topic from 'Umar, 'Uthmān, 'Āishah, Abū Umāmah, 'Amr bin Khārijah, 'Abdullāh bin 'Amr, Al-Barā' bin 'Āzib, and Zaid bin Arqam.

(Abū 'Eīsā said:) The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Ḥadīth*, and this is acted upon according to the people of knowledge (among the Companions of the Prophet ﷺ).

Az-Zuhrī reported it from Sa'eed bin Al-Musayyab, and Abū Salamah, from Abū Hurairah.

تخريج: وأخرجه مسلم، الرضاع، باب الولد للفراش وتوفي الشبهات، ح: ١٤٥٨ من حديث سفيان بن عيينة به وللحديث طرق عند البخاري، ح: ٦٨١٨ وغيره * وفي الباب عن عمر [ابن ماجه، ح: ٢٠٠٥] وعثمان [أبو داود، ح: ٢٢٧٥] وعائشة [البخاري، ح: ٢٤٢١] ومسلم، ح: ١٤٥٧ وأبي أمامة [ابن ماجه، ح: ٢٠٠٧] وعمر بن خارجه [يأتي ٢١٢١] وعبدالله بن عمرو [أبو داود، ح: ٢٢٧٤] والبراء بن عازب [الطبراني في الكبير: ١٩١/٥، ح: ٥٠٥٧] وزيد بن أرقم [الطبراني في الكبير: ١٩١/٥، ح: ٥٠٥٧].

(المعجم ٨) - بَابُ مَا جَاءَ أَنَّ الْوَلَدَ

لِلْفِرَاشِ (التحفة ٨)

١١٥٧ - حَدَّثَنَا أَحْمَدُ بْنُ مَيْسَعٍ: حَدَّثَنَا

سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:

«الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ».

قَالَ: وَفِي الْبَابِ عَنْ عُمَرَ وَعُثْمَانَ وَعَائِشَةَ

وَأَبِي أُمَامَةَ وَعُمَرُ بْنُ خَارِجَةَ وَعَبْدُ اللَّهِ بْنُ عَمْرِو وَالْبَرَاءُ بْنُ عَازِبٍ وَزَيْدُ بْنُ أَرْقَمٍ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَبِي هُرَيْرَةَ

حَدِيثٌ حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ [مِنْ أَصْحَابِ النَّبِيِّ ﷺ].

وَقَدْ رَوَاهُ الزُّهْرِيُّ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ،

وَأَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ.

[1] "The meaning of 'for him is the stone' is despair. That is he gets nothing in relation to the child. The 'Arabs say: 'For him is the stone' or, 'May his mouth be filled with dust' meaning nothing for him but despair. And they say that the meaning of 'the stone' is stoning to death for fornication. But every fornicator is not stoned to death, rather it is only for the one who has been married." (*Tuhfat Al-Ahwadhī*).

Chapter 9. What Has Been Related About A Man Who Sees A Woman And Becomes Fascinated With Her

1158. Jābir (bin ‘Abdullāh) narrated: “The Prophet ﷺ saw a woman, then he went to Zainab to fulfill his need and he left. He said: ‘Indeed when the woman enters, she enters in the image of *Shaitān*. So when one of you sees a woman that he is fascinated with, then let him go to his wife, for indeed with her (his wife) is the same as that which is with her.’” (*Ṣaḥīh*)

(He said:) There is something on this topic from Ibn Mas‘ūd.

(Abū ‘Eisā said:) The *Hadīth* of Jābir is a *Hasan Ṣaḥīh Gharīb Hadīth*. Hishām bin Abī ‘Abdullāh (a narrator), the (merchant), Ad-Dastawā’i, is Hishām bin Sanbar.

(المعجم ٩) - بَابُ مَا جَاءَ فِي الرَّجُلِ يَرَى الْمَرْأَةَ فَتُعْجِبُهُ (التحفة ٩)

١١٥٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ عَبْدِ الْأَعْلَى: حَدَّثَنَا هِشَامُ بْنُ أَبِي عَبْدِ اللَّهِ - وَهُوَ الدَّسْتَوَائِيُّ - عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرِ [بْنِ عَبْدِ اللَّهِ]: أَنَّ النَّبِيَّ ﷺ رَأَى امْرَأَةً، فَدَخَلَ عَلَى زَيْنَبَ فَقَضَى حَاجَتَهُ وَخَرَجَ، وَقَالَ: «إِنَّ الْمَرْأَةَ إِذَا أَقْبَلَتْ، أَقْبَلَتْ فِي صُورَةِ شَيْطَانٍ، فَإِذَا رَأَى أَحَدَكُمْ امْرَأَةً فَأَعْجَبَتْهُ فَلْيَأْتِ أَهْلَهُ، فَإِنَّ مَعَهَا مِثْلَ الَّذِي مَعَهَا» [قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ مَسْعُودٍ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ جَابِرٍ حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ. وَهِشَامُ بْنُ أَبِي عَبْدِ اللَّهِ - هُوَ صَاحِبُ الدَّسْتَوَائِيِّ، هُوَ هِشَامُ بْنُ سَبْرٍ -

تخریج: وأخرجه مسلم، النكاح، باب ندب من رأى امرأة، فوقع في نفسه ... إلخ، ح: ١٤٠٣ من حديث عبدالأعلى به وله شاهد عند أحمد: ٢٣١/٤ من حديث أبي كبشة الأنماري * وفي الباب عن ابن مسعود [الدارمي: ١٤٦/٢، ح: ٢٢٢١].

Comments:

In this narration the sexual urge of a human being has been discussed. There is an attraction in a female for the male and it is natural. This natural attraction is also a test for human beings. Satan attacks the man in various ways and in different forms. Man's natural attraction towards woman supports Satan to deviate him from the right path, and for this very reason the orders of lowering the gaze and covering are given.

Chapter 10. What Has Been Related About The Husband's Rights Over The Wife

1159. Abū Hurairah narrated that the Prophet ﷺ said: “If I were to

(المعجم ١٠) - بَابُ مَا جَاءَ فِي حَقِّ الزَّوْجِ عَلَى الْمَرْأَةِ (التحفة ١٠)

١١٥٩ - حَدَّثَنَا مُحَمَّدُ بْنُ غِيلَانَ: حَدَّثَنَا

order anyone to prostrate to anyone, then I would order the wife to prostrate to her husband.” (Hasan)

(He said:) There are narrations on this topic from Mu‘ādh bin Jabal, Surāqah bin Mālik bin Ju‘shum, ‘Aishah, Ibn ‘Abbās, ‘Abdullāh bin Abī Awfa, Ṭalq bin ‘Alī, Umm Salamah, Anas, and Ibn ‘Umar.

(Abū ‘Eisā said:) The *Hadīth* of Abū Hurairah is a *Hasan Gharib Hadīth* from this route – as a narration of Muḥammad bin ‘Amr, from Abū Salamah, from Abū Hurairah.

النَّضْرُ بْنُ شُمَيْلٍ: أَخْبَرَنَا مُحَمَّدُ بْنُ عَمْرٍو عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَوْ كُنْتُ أَمِيرًا أَحَدًا أَنْ يَسْجُدَ لِأَحَدٍ، لَأَمَرْتُ الْمَرْأَةَ أَنْ تَسْجُدَ لِزَوْجِهَا».

[قَالَ:] وَفِي الْبَابِ عَنْ مُعَاذِ بْنِ جَبَلٍ وَسُرَاقَةَ بْنِ مَالِكِ بْنِ جُعْشُمٍ وَعَائِشَةَ وَابْنِ عَبَّاسٍ وَعَبْدَ اللَّهِ بْنِ أَبِي أَوْفَى وَطَلْقِ بْنِ عَلِيٍّ وَأُمِّ سَلَمَةَ وَأَنْسِ وَابْنِ عُمَرَ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ، مِنْ حَدِيثِ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ.

تخريج: [إسناده حسن] وأخرجه البيهقي: ٢٩١/٧ من حديث النضر بن حبان (الإحسان): ٤١٥٠ وله طريق آخر عند الحاكم: ١٧١/٤ * وفي الباب عن معاذ بن جبل [يأتي: ١١٧٤] وسراقه بن مالك بن جعشم [الطبراني في الكبير: ١٢٩/٧، ح: ٦٥٩٠] وعائشة [ابن ماجه، ح: ١٨٥٢] وابن عباس [البخاري (كشف الأستار): ١٧٩/٢، ح: ١٤٦٧] وعبدالله بن أبي أوفى [ابن ماجه، ح: ١٨٥٣] وطلق بن علي [يأتي: ١١٦٠] وأم سلمة [يأتي: ١١٦١] وأنس [أحمد: ٣/ ١٥٨ والنسائي في الكبرى] وابن عمر [لعله يشير إلى حديث الطيالسي، ح: ١٩٥١] وابن أبي شيبة: ٣٠٣/٤ والبيهقي: ٢٩٢/٨.

Comments:

This narration is a proof that – as according to Islamic *Shari‘ah* – prostration to anything other than Allāh ﷻ is prohibited, and similarly prostration of respect is also prohibited. Prostration is due only to Allāh ﷻ and strictly prohibited to everything other than Allāh ﷻ. Had the prostration of respect been lawful, the Prophet ﷺ would have ordered the wife to prostrate to her husband.

1160. Ṭalq bin ‘Alī narrated that the Messenger of Allāh ﷺ said: “When a man calls his wife to fulfill his need, then let her come, even if she is at the oven.” (*Ṣaḥīḥ*) (Abū ‘Eisā said:) This *Hadīth* is *Hasan Gharib*.

١١٦٠ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا مُلَازِمُ بْنُ عَمْرٍو، قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ بَدْرٍ عَنْ قَيْسِ ابْنِ طَلْقٍ، عَنْ أَبِيهِ طَلْقِ بْنِ عَلِيٍّ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا دَعَا الرَّجُلُ زَوْجَتَهُ لِحَاجَتِهِ فَلْتَأْتِهِ، وَإِنْ كَانَتْ عَلَى التَّنَوُّرِ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ

غَرِيبٌ.

تخريج: [إسناده صحيح] وأخرجه النسائي في الكبرى، ح: ٨٩٧١ عن هناد بن السري به وصححه ابن حبان (الإحسان): ٤١٥٣.

Comments:

This narration makes it clear that the wife should take care of the needs of her husband and that includes sexual needs.

1161. Umm Salamah narrated that the Messenger of Allāh ﷺ said: "Whichever woman dies while her husband is pleased with her, then she enters Paradise." (*Hasan*)
(Abū 'Eisā said:) This *Hadīth* is *Hasan Gharib*.

١١٦١ - حَدَّثَنَا وَاصِلُ بْنُ عَبْدِ الْأَعْلَى الْكُوفِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ عَنْ عَبْدِ اللَّهِ ابْنِ عَبْدِ الرَّحْمَنِ أَبِي نَضْرٍ، عَنْ مُسَاوِرِ الْجَمِيرِيِّ، عَنْ أُمِّهِ، عَنْ أُمِّ سَلَمَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَيُّمَا امْرَأَةٍ مَاتَتْ وَزَوَّجَهَا عَنْهَا رَاضٍ، دَخَلَتْ الْجَنَّةَ».
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، النكاح، باب حق الزوج على المرأة، ح: ١٨٥٤ من حديث محمد بن فضيل بن غزوان به وصححه الحاكم: ١٧٣/٤ والذهبي (!) وقال الذهبي في ترجمة مساور: "فيه جهالة والخبر منكرو" (ميزان الاعتدال) وجهله صاحب التقریب وهو موثق عنده الترمذي وغيره وكذا أمه، والحديث ضعفه ابن الجوزي وغيره ولا أعلم وجه النكارة فيه.

Comments:

The husband being pleased with his wife is a proof that she is a caring lady and fulfills her duties. A lady who cares for the rights of human beings, it is obvious that she is more careful about the Commands of Allāh. So, she deserves Paradise.

Chapter 11. What Has Been Related About The Woman's Rights Over Her Husband

(المعجم ١١) - بَابُ مَا جَاءَ فِي حَقِّ الْمَرْأَةِ عَلَى زَوْجِهَا (التحفة ١١)

1162. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "The most complete of the believers in faith, is the one with

١١٦٢ - حَدَّثَنَا أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سُلَيْمَانَ عَنْ مُحَمَّدِ ابْنِ عَمْرٍو: حَدَّثَنَا أَبُو سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ

the best character among them. And the best of you are those who are best to your women.” (*Hasan*)

(He said:) There are narrations on this topic from ‘Āishah and Ibn ‘Abbās.

(Abū ‘Eīsā said:) This *Hadīth* of Abū Hurairah is a *Hasan Ṣaḥīḥ Hadīth*.

قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَكْمَلُ الْمُؤْمِنِينَ إِيمَانًا أَحْسَنُهُمْ خُلُقًا، وَخَيْرُكُمْ خَيْرَكُمْ لِنِسَائِهِمْ» [قَالَ:] وَفِي الْبَابِ عَنْ عَائِشَةَ وَابْنِ عَبَّاسٍ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَبِي هُرَيْرَةَ [هَذَا] حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: [إسناده حسن] وأخرجه أبو داود، ح: ٤٦٨٢ من حديث محمد بن عمرو الليثي به وصححه ابن حبان، ح: ١٩٢٦ والحاكم ٣/١ والذهبي وللحديث شواهد كثيرة جدًا وله طريق آخر عند ابن حبان، ح: ١٣١١.

Comments:

In this narration, behaviour means the general behaviour of a person, and his treatment of other human beings, and other creatures in a manner which is liked and desired by Allāh.

1163. Sulaimān bin ‘Amr bin Al-Aḥṣaṣ said: “My father narrated to me that he witnessed the farewell *Hajj* with the Messenger of Allāh ﷺ: So he thanked and praised Allāh and he reminded and gave admonition. He mentioned a story in his narration and he (the Prophet ﷺ) said: “And indeed I order you to be good to the women, for they are but captives with you over whom you have no power other than that, except if they come with manifest *Fāḥishah* (evil behaviour). If they do that, then abandon their beds and beat them with a beating that is not harmful. And if they obey you then you have no cause against them. Indeed you have rights over your women, and your women have rights over you. As for your rights over your women, then they must not allow anyone whom you dislike to tread on your bedding

١١٦٣ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ: حَدَّثَنَا الْحُسَيْنُ بْنُ عَلِيٍّ الْجُعْفِيُّ عَنْ زَائِدَةَ، عَنْ شَيْبِ بْنِ غَرْقَدَةَ، عَنْ سُلَيْمَانَ بْنِ عَمْرٍو بْنِ الْأَخْوَصِ قَالَ: حَدَّثَنِي أَبِي أَنَّهُ شَهِدَ حَجَّةَ الْوَدَاعِ مَعَ رَسُولِ اللَّهِ ﷺ. فَحَمِدَ اللَّهَ وَأَثْنَى عَلَيْهِ، وَذَكَرَ وَوَعظَ، فَذَكَرَ فِي الْحَدِيثِ قِصَّةً فَقَالَ: «أَلَا وَاشْتَوْضُوا بِالنِّسَاءِ خَيْرًا، فَإِنَّمَا هُنَّ عَوَانٌ عِنْدَكُمْ لَيْسَ تَمْلِكُونَ مِنْهُنَّ شَيْئًا غَيْرَ ذَلِكَ، إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبِينَةٍ، فَإِنْ فَعَلْنَ فَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ، وَاضْرِبُوهُنَّ ضَرْبًا غَيْرَ مُبْرَحٍ، فَإِنْ أَطَعْتَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا، أَلَا إِنَّ لَكُمْ عَلَى نِسَائِكُمْ حَقًّا، وَلِنِسَائِكُمْ عَلَيْكُمْ حَقًّا، فَأَمَّا حَقُّكُمْ عَلَى نِسَائِكُمْ فَلَا يُوطِئَنَّ فُرُشَكُمْ مَنْ تَكْرَهُونَ، وَلَا يَأْذَنَنَّ فِي بُيُوتِكُمْ لِمَنْ تَكْرَهُونَ، أَلَا وَحَقُّهُنَّ عَلَيْكُمْ أَنْ تُحْسِنُوا إِلَيْهِنَّ فِي كِسْوَتِهِنَّ وَطَعَامِهِنَّ».

(furniture),^[1] nor to admit anyone in your home that you dislike. And their rights over you are that you treat them well in clothing them and feeding them.” (*Ṣaḥīḥ*)

(Abū ‘Eīsā said:) This (*Ḥadīth*) is *Ḥasan Ṣaḥīḥ*. And the meaning of his saying: “they are but captives with you” means they are captives under your care.

تخريج: [إسناده صحيح] وأخرجه ابن ماجه، النكاح، باب حق المرأة على الزوج، ح: ١٨٥١ من حديث الحسين بن علي الجعفي به.

Comments:

In a house where a husband and wife live in love and peace, and care for each other, prosperity comes to that home. It is not deemed proper to get annoyed with small things. Forgiving and overlooking the minor mistakes of each other makes the home a lovable place to live in.

Chapter 12. What Has Been Mentioned About It Being Disliked To Enter Women In Their Behinds

1164. ‘Alī bin Ṭalq narrated that a Bedouin came to the Prophet ﷺ and said: “O Messenger of Allāh! A man among us would be in the desert and a small smell would come from him, (what should he do) while the water is scarce? so the Messenger of Allāh ﷺ said: “When one of you breaks wind then let him perform *Wuḍū’*, and do not go into your women in their behinds, for indeed Allāh is not shy of the truth.” (*Ḥasan*)

(He said:) There are narrations on this topic from ‘Umar, *Khuzaimah* bin *Thābit*, Ibn ‘Abbās, and Abū Hurairah.

[قَالَ أَبُو عِيسَى:] هَذَا [حَدِيثٌ] حَسَنٌ صَحِيحٌ. وَمَعْنَى قَوْلِهِ: «عَوَانٍ عِنْدَكُمْ» يَعْْنِي أَسْرَى فِي أَيْدِيكُمْ.

(المعجم ١٢) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ إِيْتَانِ النِّسَاءِ فِي أَدْبَارِهِنَّ (التحفة ١٢)

١١٦٤ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ وَهَذَا قَالَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ عَاصِمِ الْأَحْوَلِ، عَنْ عِيسَى بْنِ حِطَّانَ، عَنْ مُسْلِمِ ابْنِ سَلَامٍ، عَنْ عَلِيِّ بْنِ طَلْقٍ قَالَ: أَتَى أَغْرَابِي النَّبِيَّ ﷺ. فَقَالَ: يَا رَسُولَ اللَّهِ! الرَّجُلُ مِمَّا يَكُونُ فِي الْفَلَاةِ، فَتَكُونُ مِنْهُ الرُّوِيحَةُ، وَيَكُونُ فِي الْمَاءِ قَلَّةٌ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا فَسَا أَحَدُكُمْ فَلْيَتَوَضَّأْ، وَلَا تَأْتُوا النِّسَاءَ فِي أَعْبَازِهِنَّ، فَإِنَّ اللَّهَ لَا يَسْتَحْيِي مِنَ الْحَقِّ».

^[1] Meaning, that they are not to let anyone you dislike in your home, as mentioned in the following statement. See *Tuhfat Al-Aḥwadhī*.

(Abū 'Eīsā said:) The *Hadīth* of 'Alī bin Ṭalq is a *Hasan Hadīth*.

I heard Muḥammad saying: "I do not know a *Hadīth* for 'Alī bin Ṭalq from the Prophet ﷺ other than this one, and I do not know that this is a *Hadīth* of Ṭalq bin 'Alī As-Suḥaimī."^[1]

It is as if he thought that this man was another Companion of the Prophet ﷺ. Waki' also reported this *Hadīth*.

[قَالَ:] فِي الْبَابِ عَنْ عُمَرَ وَخُزَيْمَةَ بْنِ ثَابِتٍ، وَابْنِ عَبَّاسٍ وَأَبِي هُرَيْرَةَ.
[قَالَ أَبُو عِيسَى:] حَدِيثُ عَلِيِّ بْنِ طَلْقٍ حَدِيثٌ حَسَنٌ. وَسَمِعْتُ مُحَمَّدًا يَقُولُ: لَا أَعْرِفُ لِعَلِيِّ بْنِ طَلْقٍ عَنِ النَّبِيِّ ﷺ غَيْرَ هَذَا الْحَدِيثِ الْوَاحِدِ، وَلَا أَعْرِفُ هَذَا الْحَدِيثَ مِنْ حَدِيثِ طَلْقِ بْنِ عَلِيٍّ السُّحَيْمِيِّ. وَكَأَنَّهُ رَأَى أَنَّ هَذَا رَجُلٌ آخَرُ مِنْ أَصْحَابِ النَّبِيِّ ﷺ. وَرَوَى وَكِيعٌ هَذَا الْحَدِيثَ.

تخريج: [إسناده حسن] وأخرجه أبو داود، الطهارة، باب: فيمن يحدث في الصلاة، ح: ٢٠٥ من حديث عاصم الأحول به وصححه ابن حبان، ح: ٢٠٣، ٢٠٤، ١٣٠١ * وفي الباب عن عمر [النسائي في الكبرى: ٣٢٢/٥، ح: ٩٠٠٩] وخزيمة بن ثابت [الحميدي، ح: ٤٣٦] وأحمد: ٢١٣/٥ والنسائي في الكبرى [وابن عباس [يأتي: ١١٦٥] وأبي هريرة [أبو داود، ح: ٢١٦٢].

1165. Ibn 'Abbās narrated that the Messenger of Allāh ﷺ said: "Allāh will not look at a man who enters a man or a woman in the behind." (*Hasan*)

Abū 'Eīsā said: This *Hadīth* is *Hasan Gharīb*.

١١٦٥ - حَدَّثَنَا أَبُو سَعِيدٍ الْأَشْجَعُ: حَدَّثَنَا أَبُو خَالِدٍ الْأَخْمَرُ عَنِ الضَّحَّاكِ بْنِ عُثْمَانَ، عَنْ مَخْرَمَةَ بْنِ سُلَيْمَانَ، عَنْ كُرَيْبٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَنْظُرُ اللَّهُ إِلَى رَجُلٍ أَتَى رَجُلًا أَوْ امْرَأَةً فِي الدُّبْرِ». قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ.

تخريج: [حسن] وأخرجه النسائي في الكبرى، ح: ٩٠٠١ عن أبي سعيد الأشج به وصححه ابن حبان، ح: ١٣٠٢ وللحديث شواهد.

Comments:

This is a strong warning for those who engage in the accursed act of homosexuality. Nothing is expected of them except complete repentance from this act of a destroyed people.

^[1] Perhaps it should be "Alī bin Ṭalq As-Suḥaimī" as Al-Mubārakpūrī said. See *Tuhfat Al-Aḥwadhī*, and *Tahdhīb At-Tahdhīb* by Ibn Hajar.

1166. ‘Alī narrated that the Messenger of Allāh ﷺ said: “When one of you breaks wind then let him perform *Wuḍū’*, and do not go into your women through their behinds.” (*Ḥasan*)

(Abū ‘Eīsā said:) This ‘Alī is ‘Alībin Talq.

١١٦٦ - حَدَّثَنَا قُتَيْبَةُ وَغَيْرُ وَاحِدٍ قَالُوا: حَدَّثَنَا وَكِيعٌ عَنْ عَبْدِ الْمَلِكِ بْنِ مُسْلِمٍ - وَهُوَ ابْنُ سَلَامٍ - ، عَنْ أَبِيهِ ، عَنْ عَلِيٍّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا فَسَأَ أَحَدُكُمْ فَلْيَتَوَضَّأْ، وَلَا تَأْتُوا النِّسَاءَ فِي أَعْمَازِهِنَّ» [قَالَ أَبُو عِيسَى: وَ عَلِيٌّ هَذَا هُوَ عَلِيُّ بْنُ طَلْقٍ.

تخريج: [إسناده حسن] وأخرجه أحمد: ٨٦/١ عن وكيع به وللحديث شواهد كثيرة، انظر، ح: ١١٦٤ وغيره وحسنه الترمذي كما في تحفة الأشراف: ٤٧١/٧.

Comments:

Breaking wind which makes sound or without sound invalidates the *Wuḍū’* (ablution). In this narration, the Prophet ﷺ deemed it necessary to explain the other issue which is also related to the anus ‘A‘jāz’ means anus..

Chapter 13. What Has Been Related About It Being Disliked For Women To Go Out While Wearing Their Adornments

1167. Maimūnah bint Sa’d who was a servant for the Prophet ﷺ, narrated that the Messenger of Allāh ﷺ said: “The parable of the woman who walks to impress others in adornments for other than her family, is that of darkness on the Day of Judgement: There is no light for her.” (*Da‘īf*)

(Abū ‘Eīsā said:) We do not know of this *Ḥadīth* except from Mūsā bin ‘Ubaidah, and Mūsā bin ‘Ubaidah is weak in *Ḥadīth* due to his poor memory, although he is truthful. He reported from Shu‘bah, and some of them reported it from Mūsā bin ‘Ubaidah without it being *Marfū’*.

(المعجم ١٣) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ خُرُوجِ النِّسَاءِ فِي الزَّيْنَةِ (التحفة ١٣)

١١٦٧ - حَدَّثَنَا عَلِيُّ بْنُ حَشْرَمٍ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ مُوسَى بْنِ عُبَيْدَةَ، عَنْ أَيُّوبَ بْنِ خَالِدٍ، عَنْ مَيْمُونَةَ ابْنَةِ سَعْدٍ وَكَانَتْ حَادِمًا لِلنَّبِيِّ ﷺ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَثَلُ الرَّافِلَةِ فِي الزَّيْنَةِ فِي غَيْرِ أَهْلِهَا، كَمَثَلِ ظُلْمَةِ يَوْمِ الْقِيَامَةِ، لَا نُورَ لَهَا».

[قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ مُوسَى بْنِ عُبَيْدَةَ، وَمُوسَى بْنُ عُبَيْدَةَ يُضَعَّفُ فِي الْحَدِيثِ مِنْ قَبْلِ حِفْظِهِ وَهُوَ صَدُوقٌ. وَقَدْ رَوَى عَنْ شُعْبَةَ، وَقَدْ رَوَاهُ بَعْضُهُمْ عَنْ مُوسَى بْنِ عُبَيْدَةَ، وَلَمْ يَرْفَعَهُ.

تخريج: [إسناده ضعيف] وأخرجه الطبراني في الكبير: ٣٨/٢٥، ح: ٧٠ من حديث موسى ابن عبيدة به وهو ضعيف.

Comments:

The word '*Ar-Rāfilah*' describes a woman who goes on the streets in adornments to attract the male folks of the society. It is essential for a woman to hide her beauty from strangers, and the one who does the opposite is accountable in the Hereafter, and she will face a severe punishment. She will walk in darkness, and on that Day will have no excuse to save herself.

Chapter 14. What Has Been Related About Jealousy

1168. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Allāh becomes jealous and the believer becomes jealous. Allāh's jealousy occurs when a believer does what He has made unlawful for him." (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from 'Āishah and 'Abdullāh bin 'Umar.

(Abū 'Eīsā said:) The *Ḥadīth* of Abū Hurairah is a *Ḥasan Gharīb Ḥadīth*.

This *Ḥadīth* has been reported from Yahya bin Abī Kathīr, from Abū Salamah, from 'Urwah, from Asmā' bint Abī Bakr, from the Prophet ﷺ. Both of these *Aḥādīth* are *Ṣaḥīḥ*.

(Regarding the narrators) Al-Ḥajjāj Aṣ-Ṣawwāf is Al-Ḥajjāj bin Abī 'Uthmān, and Abū 'Uthmān's name is Maisarah. Al-Ḥajjāj's *Kunya* is Abū Aṣ-Ṣalt, and Yahyā bin Sa'eed Al-Qaṭṭān said he was trustworthy. Abū 'Eīsā narrated to us: "Abū Bakr Al-'Aṭṭār narrated to us from 'Alī bin 'Abdullāh (Al-Madinī) who said: 'I asked Yahyā bin Sa'eed Al-Qaṭṭān about Ḥajjāj Aṣ-Ṣawwāf and he said: "He is (trustworthy) intelligent, (and) clever."

(المعجم ١٤) - بَابُ مَا جَاءَ فِي الْغَيْرَةِ

(التحفة ١٤)

١١٦٨ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا

سُفْيَانُ بْنُ حَبِيبٍ عَنِ الْحَجَّاجِ الصَّوَّافِ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ اللَّهَ يَغَارُ، وَالْمُؤْمِنُ يَغَارُ، وَغَيْرَةُ اللَّهِ أَنْ يَأْتِيَ الْمُؤْمِنُ مَا حَرَّمَ عَلَيْهِ». [قَالَ:] وَفِي الْبَابِ عَنْ عَائِشَةَ وَعَبْدِ اللَّهِ بْنِ عُمَرَ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ غَرِيبٌ، وَقَدْ رُوِيَ عَنْ يَحْيَى ابْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ عُرْوَةَ، عَنْ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ عَنِ النَّبِيِّ ﷺ، هَذَا الْحَدِيثُ وَكَلاَ الْحَدِيثَيْنِ صَحِيحٌ.

وَالْحَجَّاجُ الصَّوَّافُ - هُوَ الْحَجَّاجُ بْنُ أَبِي عَثْمَانَ - وَأَبُو عُثْمَانَ اسْمُهُ مَيْسَرَةُ وَالْحَجَّاجُ يُكْنَى أَبَا الصَّلْتِ، وَثِقَةٌ يَحْيَى بْنُ سَعِيدِ الْقَطَّانُ: حَدَّثَنَا أَبُو عِيسَى: حَدَّثَنَا أَبُو بَكْرِ الْعَطَّارُ عَنْ عَلِيِّ بْنِ عَبْدِ اللَّهِ [الْمَدِينِيِّ] قَالَ: سَأَلْتُ يَحْيَى بْنَ سَعِيدِ الْقَطَّانَ عَنْ حَجَّاجِ الصَّوَّافِ فَقَالَ: هُوَ [ثِقَةٌ] فَطَنُ كَيْسٍ.

Comments:

In this narration jealousy means to be angry with an offensive action. It is obvious that this meaning is in reference to the creation of Allāh, and Allāh's jealousy is according to His Own splendor and dignity.

تخریج: متفق عليه، وأخرجه مسلم، التوبة، باب غیرة الله تعالى وتحريم الفواحش، ح: ۳۶/۲۷۶۱ من حدیث حجاج الصواف والبخاري، ح: ۵۲۲۳ من حدیث یحیی بن أبی کثیر به * وفي الباب عن عائشة [البخاري، ح: ۱۰۴۴ ومسلم، ح: ۹۰۱] وعبدالله بن عمر [لم أجده].

Chapter 15. What Has Been Related About It Being Disliked For A Woman To Travel Alone

(المعجم ۱۵) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ أَنْ تُسَافِرَ الْمَرْأَةُ وَحْدَهَا (التحفة ۱۵)

1169. Abū Sa'eed Al-Khudrī narrated that the Messenger of Allāh ﷺ said: "It is not lawful for a woman who believes in Allāh and the Last Day to travel on a trip that is three days or more, unless she is accompanied by her father, her brother, her husband, her son, or someone who is a *Maḥram* to her." (*Ṣaḥīḥ*)

There are narrations on this topic from Abū Hurairah, Ibn 'Abbās, and Ibn 'Umar.

(Abū 'Eisā said:) This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

It has been related that the Prophet ﷺ said: "A woman is not to travel the distance of a day and a night unless she is accompanied by someone who is a *Maḥram*."

And this is acted upon according to the people of knowledge, they dislike for a woman to travel unless accompanied by a *Maḥram*. The people of knowledge differ over a woman who is well-off and she does not have a *Maḥram*, does she perform *Hajj*?

۱۱۶۹ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي سَعِيدٍ [الْخُدْرِيِّ] قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَحِلُّ لِمَرْأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ تُسَافِرَ سَفَرًا، يَكُونُ ثَلَاثَةَ أَيَّامٍ فَصَاعِدًا، إِلَّا وَمَعَهَا أَبُوهَا أَوْ أَخُوها أَوْ زَوْجُهَا أَوْ ابْنُهَا أَوْ ذُو مَحْرَمٍ مِنْهَا». وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ وَابْنِ عَبَّاسٍ وَابْنِ عُمَرَ. [قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَرَوَى عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «لَا تُسَافِرُ الْمَرْأَةُ مَسِيرَةَ يَوْمٍ وَلَيْلَةٍ، إِلَّا مَعَ ذِي مَحْرَمٍ»، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ، يَكْرَهُونَ لِلْمَرْأَةِ أَنْ تُسَافِرَ إِلَّا مَعَ ذِي مَحْرَمٍ، وَاخْتَلَفَ أَهْلُ الْعِلْمِ فِي الْمَرْأَةِ إِذَا كَانَتْ مُوسِرَةً، وَلَمْ يَكُنْ لَهَا مَحْرَمٌ، هَلْ تَحُجُّ؟ فَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: لَا يَجِبُ عَلَيْهَا الْحُجُّ، لِأَنَّ الْمَحْرَمَ مِنَ السَّبِيلِ، لِقَوْلِ اللَّهِ

Some of the people of knowledge said that the *Hajj* is not obligatory upon her because having the *Maḥram* is part of (the means) for the journey, as in Allāh, the Mighty and Sublime's saying: For whoever is able to bear the journey.^[1] So they say that when there is no *Maḥram* for her then she is not able to bear the journey. This is the view of Sufyān Ath-Thawrī and the people of Al-Kūfah.

Some of the people of knowledge said when the route is safe then she goes with the people for *Hajj*. This is the view of Mālik and Ash-Shāfi'.

تخريج: وأخرجه مسلم، الحج، باب سفر المرأة مع محرم إلى حج وغيره، ح: ١٣٤٠ من حديث أبي معاوية الضرير به، وللحديث طرق عند البخاري ومسلم وغيرهما عن أبي سعيد الخدري به * وفي الباب عن أبي هريرة [يأتي: ١١٧٠] وابن عباس [البخاري، ح: ١٨٦٢ ومسلم، ح: ١٣٤١] وابن عمر [البخاري، ح: ١٠٨٦ ومسلم، ح: ١٣٣٨] حديث عبدالله بن عمرو بن العاص عند أحمد: ١٨٢/٢ وانظر الحديث الآتي برقم، ح: ١٥٨٥.

Comments:

When a woman goes out to travel, she is in a different environment than the protected environment of her house. If she travels alone, she might face some mishap and it would not be possible for her to handle the situation all alone and save her honor. For this reason the Islamic Law has made it compulsory for her to travel with someone who is a *Maḥram*.

1170. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "A woman is not to travel the distance of a day and a night unless she is accompanied by someone who is a *Maḥram*." (*Ṣaḥīḥ*)

(Abū 'Eisā said:) This *Hadīth* is *Ḥasan Ṣaḥīḥ*.

عَزَّ وَجَلَّ: ﴿مَنْ اسْتَطَاعَ إِلَيْهِ سَبِيلًا﴾ [آل عمران: ٩٧] فَقَالُوا: إِذَا لَمْ يَكُنْ لَهَا مَحْرَمٌ فَلَمْ تَسْتَطِعْ إِلَيْهِ سَبِيلًا. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَأَهْلِ الْكُوفَةِ..

وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: إِذَا كَانَ الطَّرِيقُ آمِنًا، فَإِنَّهَا تَخْرُجُ مَعَ النَّاسِ فِي الْحَجِّ. وَهُوَ قَوْلُ مَالِكِ بْنِ أَنَسٍ وَالشَّافِعِيِّ.

١١٧٠ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ: حَدَّثَنَا بِشْرُ بْنُ عَمَرَ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تُسَافِرُ الْمَرْأَةُ مَسِيرَةَ يَوْمٍ وَلَيْلَةٍ، إِلَّا وَمَعَهَا ذُو مَحْرَمٍ». [قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

[1] *Āl Imrān* 3:97.

تخريج: متفق عليه، وأخرجه البخاري، التفسير، باب: في كم يقصر الصلاة؟، ح: ١٠٨٨ [مسلم، ح: ٤٢١/١٣٣٩ من حديث مالك] من حديث سعيد المقبري به.

Chapter 16. What Has Been Related About It Being Disliked To Enter Upon Women Whose Husband's Are Absent

(المعجم ١٦) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ الدُّخُولِ عَلَى الْمُغِيبَاتِ (التحفة ١٦)

1171. ‘Uqbah bin ‘Āmir narrated that the Messenger of Allāh ﷺ said: “Beware of entering upon women.” So a man from the *Anṣār* said: “O Messenger of Allāh! What do you think about the *Ḥamū*? So he said: “The *Ḥamū* is death.” (*Ṣaḥīḥ*)

He said: There are narrations on this topic from ‘Umar, Jābir, and ‘Amr bin Al-‘Āṣ.

(Abū ‘Eīsā said:) The *Ḥadīth* of ‘Uqbah bin ‘Āmir is a *Ḥasan Ṣaḥīḥ Ḥadīth*. Regarding “entering upon women” what is disliked is similar to what has been related from the Prophet ﷺ: “A man and a woman are not secluded together except that the third of them is the *Shaiṭān*.” And as for the meaning of his saying: “*Al-Ḥamwu*,” the *Al-Ḥamwu* is the brothers of the husband, and it is as if it is disliked for him to be alone with her.

١١٧١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي الْخَيْرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِيَّاكُمْ وَالدُّخُولَ عَلَى النِّسَاءِ» فَقَالَ رَجُلٌ مِنَ الْأَنْصَارِ: يَا رَسُولَ اللَّهِ! أَفَرَأَيْتَ الْحَمُو؟ قَالَ: «الْحَمُو: الْمَوْتُ». قَالَ: وَفِي الْبَابِ عَنْ عُمَرَ وَجَابِرٍ وَعُمَرُو بْنِ الْعَاصِ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ عُقْبَةَ بْنِ عَامِرٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَإِنَّمَا مَعْنَى كَرَاهِيَةِ الدُّخُولِ عَلَى النِّسَاءِ، عَلَى نَحْوِ مَا رَوَى عَنْ النَّبِيِّ ﷺ قَالَ: «لَا يَخْلُونَ رَجُلٌ بِامْرَأَةٍ، إِلَّا كَانَ ثَالِثُهُمَا الشَّيْطَانُ» وَمَعْنَى قَوْلِهِ: الْحَمُو يُقَالُ: الْحَمُو أَخُو الزَّوْجِ، كَأَنَّهُ كَرِهَ لَهُ أَنْ يَخْلُوَ بِهَا.

تخريج: متفق عليه، وأخرجه البخاري، النكاح، باب: لا يخلون رجل بامرأة إلا ذو محرم، والدخول على المغيبة، ح: ٥٢٣٢ ومسلم، ح: ٢١٧٢ عن قتيبة به * وفي الباب عن عمر [يأتي: ٢١٦٥] وجابر [يأتي: ٢٠٩٧ ومسلم، ح: ٢١٧١] وعمر بن العاص [يأتي: ٢٧٧٩] حديث: لا يخلون رجل بامرأة، يأتي، برقم: ٢١٦٥ وهو حديث صحيح.

Comments:

The word ‘*Al-Ḥamwu*’ stands for those male relatives of the husband who are not *Maḥram*, and the marriage is lawful with them, like brothers and cousins or nephews of the husband etc.

Chapter 17. The Warning About That Due To The *Shaitān* Flowing (Through The Body) Like The Flow Of Blood

1172. Jābir narrated that the Prophet ﷺ said: “Do not enter upon *Al-Mughībāt* (the women whose husbands are absent), for indeed the *Shaitān* flows through one of you as the blood flows.” We said: “And you?” He said: “And me, but Allāh helped me over him, so I am safe.”^[1] (*Hasan*)

(Abū ‘Eīsā said:) This *Hadīth* is *Gharīb* from this route. Some of them have criticized Mujālid bin Sa‘eed due to his memory. I heard ‘Alī bin *Khashram* saying: “Explaining the saying of the Prophet ﷺ: ‘but Allāh helped me over him, so I am safe’ Sufyān bin ‘Uyainah said: It means ‘So I am safe from him.’ Sufyān said: ‘The *Shaitān* does not submit.’”

And as for: ‘do not enter upon *Al-Mughībāt*,’ *Al-Mughībāt* is the woman whose husband is absent, and *Al-Mughībāt* is plural of *Al-Mughībāt*.

(المعجم ١٧) - بَابُ [التَّحْذِيرِ مِنْ ذَلِكَ لِجَرَيَانِ الشَّيْطَانِ مَجْرَى الدَّمِ] (التحفة ١٧)

١١٧٢ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ: حَدَّثَنَا عَيْسَى بْنُ يُونُسَ عَنْ مُجَالِيدٍ، عَنِ الشَّعْبِيِّ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تَلْجُوا عَلَى الْمُغِيبَاتِ. فَإِنَّ الشَّيْطَانَ يَجْرِي مِنْ أَحَدِكُمْ مَجْرَى الدَّمِ» قُلْنَا: وَمِنْكَ؟ قَالَ: «وَمِنِّي، وَلَكِنَّ اللَّهَ أَعَانَنِي عَلَيْهِ، فَاسْلَمَ».

[قَالَ أَبُو عَيْسَى:] هَذَا حَدِيثٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ.

وَقَدْ تَكَلَّمَ بَعْضُهُمْ فِي مُجَالِيدِ بْنِ سَعِيدٍ مِنْ قَبْلِ حِفْظِهِ، وَسَمِعْتُ عَلِيَّ بْنَ حَشْرَمٍ، يَقُولُ: قَالَ سُفْيَانُ بْنُ عُيَيْنَةَ فِي تَفْسِيرِ قَوْلِ النَّبِيِّ ﷺ: «وَلَكِنَّ اللَّهَ أَعَانَنِي عَلَيْهِ فَاسْلَمَ»: يَغْنِي فَاسْلَمَ أَنَا مِنْهُ.

قَالَ سُفْيَانُ: وَالشَّيْطَانُ لَا يُسْلِمُ. وَلَا تَلْجُوا عَلَى الْمُغِيبَاتِ، وَالْمُغِيبَةُ: الْمَرْأَةُ الَّتِي يَكُونُ زَوْجُهَا غَائِبًا وَالْمُغِيبَاتُ جَمَاعَةُ الْمُغِيبَةِ.

تخريج: [حسن] وأخرجه أحمد: ٣/٣٠٩ عن عيسى بن يونس به وللحديث شواهد منها الحديث السابق.

Comments:

In this narration Satan means his influence on human nature, compelling the human being to act according to his desires. Allāh ﷻ has helped the Prophet ﷺ to get control over Satan. Satan cannot harm the Prophet ﷺ.

[1] See the comments of Sufyān bin ‘Uyainah below, for the *Hadīth* can be interpreted to mean: “So he submitted” meaning the *Shaitān*, or “So I am safe from him.”

Chapter 18. The *Shaiṭān* Seeks to Tempt The Woman When She Goes Out

1173. ‘Abdullāh narrated that the Prophet ﷺ said: “The woman is ‘*Awrah*,^[1] so when she goes out, the *Shaiṭān* seeks to tempt her.” (*Da‘īf*) (Abū ‘Eīsā said:) This *Ḥadīth* is *Ḥasn Ṣaḥīḥ Gharīb*.

(المعجم ١٨) - بَابُ [اِسْتِشْرَافِ] الشَّيْطَانِ الْمَرْأَةَ إِذَا خَرَجَتْ] (التحفة ١٨)
 ١١٧٣ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَمْرُو بْنُ عَاصِمٍ: حَدَّثَنَا هَمَّامٌ عَنْ قَتَادَةَ، عَنْ مُورِقٍ، عَنْ أَبِي الْأَخْوَصِ، عَنْ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ قَالَ: «الْمَرْأَةُ عَوْرَةٌ، فَإِذَا خَرَجَتْ اسْتَشْرَفَهَا الشَّيْطَانُ».
 [قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ.

تخريج: [إسناده ضعيف] وأخرجه ابن خزيمة: ٩٣/٣، ح: ١٦٨٥ من حديث عمرو بن عاصم به وصححه ابن حبان، ح: ٣٢٩، ٣٣٠ قتادة، مدلس وعنعن.

Comments:

In Arabic language ‘*Awrah*’ means those parts of the human body that must be covered and kept in hidden from others. It is indecent to keep those parts uncovered. It is proved by this narration that a woman should veil from strangers. If she goes out uncovered it will create problems for others and for her. So she should go out, if it is necessary, by covering herself.

Chapter 19. The Threat For The Woman Who Annoys Her Husband

1174. Mu‘ādh bin Jabal narrated that the Prophet ﷺ said: “No woman annoys her husband in the world except that his wife among *Al-Hūril-‘Aīn* says: ‘Do not annoy him, may Allāh destroy you, he is only like a guest with, soon he will part from you for us.’” (*Ḥasan*)

(Abū ‘Eīsā said:) This *Ḥadīth* is (*Ḥasan*) *Gharīb*, we do not know of it except from this route. Ismā‘īl bin ‘Ayyāsh’s (a narrator in the chain of this *Ḥadīth*) narrations

(المعجم ١٩) - بَابُ [الْوَعِيدِ لِلْمَرْأَةِ عَلَى إِيْذَاءِ الْمَرْأَةِ زَوْجَهَا] (التحفة ١٩)
 ١١٧٤ - حَدَّثَنَا الْحَسَنُ بْنُ عَرَفَةَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عِيَّاشٍ عَنْ بَجِيرِ بْنِ سَعْدٍ، عَنْ خَالِدِ بْنِ مَعْدَانَ، عَنْ كَثِيرِ بْنِ مُرَّةٍ الْحَضْرَمِيِّ، عَنْ مُعَاذِ بْنِ جَبَلٍ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تُؤْذِي امْرَأَةً زَوْجَهَا فِي الدُّنْيَا، إِلَّا قَالَتْ زَوْجَتُهُ مِنَ الْحُورِ الْعِينِ: لَا تُؤْذِيهِ، قَاتَلِكِ اللَّهُ، فَإِنَّمَا هُوَ عِنْدَكَ دَخِيلٌ، يُوشِكُ أَنْ يُفَارِقَكَ إِلَيْنَا».

^[1] Meaning when she appears one is shy of her just like one would be shy if someone’s private parts were exposed. See *Tuhfat Al-Aḥwadhī*.

from the people of Ash-Shām are better, while he reports what is objectionable from the people of Al-Hijāz and Al-'Irāq.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ [حَسَنٌ] غَرِيبٌ، لَا نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ. وَرِوَايَةُ إِسْمَاعِيلَ بْنِ عِيَّاشٍ عَنِ الشَّامِيِّينَ أَصْلَحُ. وَلَهُ عَنْ أَهْلِ الْحِجَازِ وَأَهْلِ الْعِرَاقِ مَنَاقِبٌ.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، النكاح، باب: في المرأة تؤذي زوجها، ح: ٢٠١٤ من حديث إسماعيل بن عياش به وصرح بالسماع عند أبي نعيم في حلية الأولياء: ٢٢٠/٥.

Comments:

It appears from this narration that a Muslim who is going to enter Paradise, if his wife in this world teases him without any cause, Allāh makes it known to *Al-Hūrul-'Ein* who is going to be his wife in the Paradise. She wonders at this improper attitude of his wife of the material world and says that he is a guest with her for some days and she should not bother him. He will come to her in Paradise very soon and she will be very sorry.

In the Name of Allāh,
the Merciful, the Beneficent

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

11. The Chapters On Divorce And *Li'ān* From The Messenger of Allāh ﷺ

(المعجم ١١) أَبْوَابُ الطَّلَاقِ وَاللَّعَانِ عَنْ رَسُولِ اللَّهِ ﷺ (التحفة ٩)

Chapter 1. What Has Been Related About The *Sunnah* Divorce

(المعجم ١) - بَابُ مَا جَاءَ فِي طَلَاقِ السُّنَّةِ (التحفة ١)

1175. Yūnus bin Jubair said: “I asked Ibn ‘Umar about a man who divorced his wife while she was menstruating. So he said: ‘Don’t you know ‘Abdullāh bin ‘Umar?’ Indeed he divorced his wife while she was menstruating, so ‘Umar asked the Prophet ﷺ about that, and he ordered him to take her back.” He said: “I said: And that divorce is counted? He said: And that divorce is counted? He said: ‘What else would you think if he was helpless and foolish?’” (*Ṣaḥīḥ*)

١١٧٥ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ أَيُّوبَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ يُونُسَ بْنِ جُبَيْرٍ قَالَ: سَأَلْتُ ابْنَ عُمَرَ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَقَالَ: هَلْ تَعْرِفُ عَبْدَ اللَّهِ بْنَ عُمَرَ؟ فَإِنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَسَأَلَ عُمَرُ النَّبِيَّ ﷺ، فَأَمَرَهُ أَنْ يَرْجِعَهَا.
قَالَ: قُلْتُ: فَيَعْتَدُ بِتِلْكَ الطَّلَاقِ؟ قَالَ: فَمَهْ، أَرَأَيْتَ إِنْ عَجَزَ وَاسْتَحَمَقَ؟.

تخريج: متفق عليه، وأخرجه مسلم، الطلاق، باب تحريم طلاق الحائض بغير رضاها ... إلخ، ح: ٧/١٤٧١ عن قتيبة والبخاري، ح: ٥٣٣٣ من حديث محمد بن سيرين به.

1176. Sālim narrated that his father divorced his wife during her menses, so ‘Umar asked the Prophet ﷺ about that and he said: “Tell him to take her back, then let him divorce her while she is pure or pregnant.” (*Ṣaḥīḥ*)

١١٧٦ - حَدَّثَنَا هَذَا: حَدَّثَنَا وَكِيعٌ عَنْ سُفْيَانَ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ مَوْلَى آلِ طَلْحَةَ، عَنْ سَالِمٍ، عَنْ أَبِيهِ أَنَّهُ طَلَّقَ امْرَأَتَهُ فِي الْحَيْضِ. فَسَأَلَ عُمَرُ النَّبِيَّ ﷺ فَقَالَ: «مُرْهُ فَلْيُرْجِعْهَا، ثُمَّ لْيُطَلِّقْهَا طَاهِرًا أَوْ حَامِلًا».

(Abū ‘Eisā said:) The *Ḥadīth* of Yūnus bin Jubair from Ibn ‘Umar is a *Ḥasan Ṣaḥīḥ Ḥadīth*, and so is the *Ḥadīth* of Ṣālim from Ibn

'Umar. This *Hadith* has been reported through other routes from Ibn 'Umar from the Prophet ﷺ.

This is acted upon according to the people of knowledge among Companions of the Prophet ﷺ and others. The *Sunnah* divorce is to divorce her while she is pure without having intercourse. Some of them said if he divorces her thrice (at one time) while she is pure, then it will also be according to the *Sunnah*. This is the view of Ash-Shāfi'i and Aḥmad (bin Hanbal). Some of them said that three (at one time) is not from the *Sunnah*, unless he divorces her once (and then once). This is the view of (Sufyān) Ath-Thawrī and Ishāq.

Regarding divorcing a pregnant woman they said: He divorces her whenever he wants to. This is the view of Ash-Shāfi'i, Aḥmad and Ishāq. Some of them said that he pronounces one divorce on her during each month.

[قَالَ أَبُو عِيسَى:] حَدِيثُ يُوسُفَ بْنِ جُبَيْرٍ عَنْ ابْنِ عُمَرَ، حَدِيثٌ حَسَنٌ صَحِيحٌ. وَكَذَلِكَ حَدِيثُ سَالِمٍ عَنِ ابْنِ عُمَرَ. وَقَدْ رَوَى هَذَا الْحَدِيثُ مِنْ غَيْرِ وَجْهِ عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، أَنَّ طَلَاقَ السُّتَّةِ، أَنْ يُطَلَّقَهَا طَاهِرًا مِنْ غَيْرِ جَمَاعٍ. وَقَالَ بَعْضُهُمْ: إِنْ طَلَّقَهَا ثَلَاثًا وَهِيَ طَاهِرٌ، فَإِنَّهُ يَكُونُ لِلْسُّتَةِ أَيْضًا. وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ [بْنِ حَبِيلٍ] وَقَالَ بَعْضُهُمْ: لَا تَكُونُ ثَلَاثًا لِلْسُّتَةِ، إِلَّا أَنْ يُطَلَّقَهَا وَاحِدَةً [وَاحِدَةً].

وَهُوَ قَوْلُ [سُفْيَانَ] الثَّوْرِيِّ وَإِسْحَاقَ. وَقَالُوا فِي طَلَاقِ الْحَامِلِ: يُطَلَّقُهَا مَتَى شَاءَ. وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ. وَقَالَ بَعْضُهُمْ: يُطَلَّقُهَا عِنْدَ كُلِّ شَهْرٍ تَطْلِيقَةً.

تخريج: متفق عليه، وأخرجه مسلم، ح: ١٤٧١/٥ (انظر الحديث السابق) من حديث وكيع والبخاري، ح: ٧١٦٠ من حديث سالم بن عبدالله بن عمر به.

Comments:

It is not correct to divorce a woman during her menstruating period, because a woman is divorced when her husband actually hates her and has ill feelings about her. During the menstruating period, a woman is not clean and tidy, moreover, dullness and laziness overcomes her. In such physical and mental condition she is averse to adorn herself for her husband and the husband too is not inclined towards her in this period. So it is not approved to divorce a woman during the menstruating period. According to all Four *A'immaḥ*, and in view of most of the people of knowledge among the Companions, if a woman has been divorced during this period it will be considered as divorced.

Chapter 2. What Has Been Related About A Man Who Divorces His Wife Irrevocably

1177. 'Abdullāh bin Yazīd bin Rukānah narrated from his father, from his grandfather who said: "I went to the Prophet ﷺ and said: 'O Messenger of Allāh! I irrevocably divorced my wife.' So he said: 'What did you intend by that?' I said: 'One (divorce).' He said: '(Do you swear) By Allāh?' I said: 'By Allāh.' He said: 'Then it is as you intended.'" (*Da'if*)

(Abū 'Eisā said:) We do not know of this *Hadīth* except from this route.

I asked Muḥammad about this *Hadīth* and he said: "There is some confusion (*Idtirāb*) in it; and it has been reported from 'Ikrimah, from Ibn 'Abbās that Rukānah divorced his wife three times."

The people of knowledge among the Companions of the Prophet ﷺ and others differ over the irrevocable divorce. It has been related from 'Umar bin Al-Khaṭṭāb that he counted the irrevocable divorce as one, and it has been related from 'Alī that he considered it three. Some of the people of knowledge said it depends on the intention of the man; if he intended one then it is one, and if he intended three then it is three, and if he intended two then it will only count as one. This is the view of Sufyān Ath-Thawrī and the people of Al-Kūfah.

Mālik bin Anas said about the irrevocable divorce: If he had gone

(المعجم ٢) - بَابُ مَا جَاءَ فِي الرَّجُلِ يُطَلِّقُ امْرَأَتَهُ الْبَتَّةَ (التحفة ٢)

١١٧٧ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا قَبِيصَةُ عَنْ جَرِيرِ بْنِ حَازِمٍ، عَنِ الزُّبَيْرِ بْنِ [سَعِيدٍ]، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ بْنِ رُكَّانَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: أَتَيْتُ النَّبِيَّ ﷺ فَقُلْتُ: يَا رَسُولَ اللَّهِ! إِنِّي طَلَقْتُ امْرَأَتِي الْبَتَّةَ، فَقَالَ: «مَا أَرَدْتَ بِهَا؟» قُلْتُ: وَاحِدَةً. قَالَ: «وَاللَّهِ؟» قُلْتُ وَاللَّهِ قَالَ: «فَهُوَ مَا أَرَدْتَ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ لَا نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ.

وَسَأَلْتُ مُحَمَّدًا، عَنْ هَذَا الْحَدِيثِ فَقَالَ: فِيهِ اضْطِرَابٌ، وَيُرْوَى عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ أَنَّ رُكَّانَةَ طَلَّقَ امْرَأَتَهُ ثَلَاثًا.

وَقَدْ اخْتَلَفَ أَهْلُ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ فِي طَلَاقِ الْبَتَّةِ. فُرِوِيَ عَنْ عُمَرَ ابْنِ الْخَطَّابِ أَنَّهُ جَعَلَ الْبَتَّةَ وَاحِدَةً، وَرُوي عَنْ عَلِيٍّ أَنَّهُ جَعَلَهَا ثَلَاثًا، وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ، فِيهِ نَيْتُ الرَّجُلِ، إِنْ نَوَى وَاحِدَةً فَوَاحِدَةً وَإِنْ نَوَى ثَلَاثًا فَثَلَاثٌ، وَإِنْ نَوَى ثِنْتَيْنِ لَمْ تَكُنْ إِلَّا وَاحِدَةً. وَهُوَ قَوْلُ الثَّوْرِيِّ وَأَهْلِ الْكُوفَةِ.

وَقَالَ مَالِكُ بْنُ أَنَسٍ فِي الْبَتَّةِ: إِنْ كَانَ قَدْ دَخَلَ بِهَا فِيهَا ثَلَاثَ تَطْلِيقَاتٍ.

وَقَالَ الشَّافِعِيُّ: إِنْ نَوَى وَاحِدَةً فَوَاحِدَةً، يَمْلِكُ الرَّجْعَةَ، وَإِنْ نَوَى ثِنْتَيْنِ [فِثْنَانٍ]. وَإِنْ نَوَى ثَلَاثًا فَثَلَاثٌ.

into her, then it is three divorces. *Shāfi'ī* said: "If he intended one then it is one, and he is able to return, and if he intended two then it is two, and if he intended three then it is three."

تخریج: [إسناده ضعيف] وأخرجه أبو داود، الطلاق، باب: في البتة، ح: ٢٢٠٨ وابن ماجه، ح: ٢٠٥١ من حديث جرير بن حازم به، الزبير بن سعيده: لين الحديث (التقريب: ١٩٩٥) وحديث أبي داود (٢٢٠٦، ٢٢٠٧) يغني عنه.

Chapter 3. What Has Been Related About: Your Case Is Up To You

1178. *Ḥammād bin Yazīd* said: "I said to *Abū Ayyūb*: 'Do you know of anyone who said that: "Your case is up to you" counts as three besides *Al-Ḥasan*?' He said: 'No, not besides *Al-Ḥasan*.' Then he said: 'O *Allāh* forgive me – except for what has been narrated to me by *Qatādah*, from *Kathīr* the freed slave of *Banū Samurah*, from *Abū Salamah*, from *Abū Hurairah*, that the Prophet ﷺ said: "Three."'

Abū Ayyūb said: 'So I met *Kathīr* the freed slave of *Banū Samurah* and asked him about it, but he was not aware of it. So I returned to *Qatādah* and informed him about that and he said: "He forgot." (*Da'if*)

(*Abū 'Eisā* said:) This *Ḥadīth* is *Gharīb*, we do not know of it except as a narration of *Sulaimān bin Ḥarb*, from *Ḥammād bin Yazīd*. I asked *Muḥammad* about this *Ḥadīth* and he said: "*Sulaimān bin Ḥarb* narrated this from *Ḥammād bin Yazīd* to us, but it was only *Mawqūf* from *Abū Hurairah*."

(المعجم ٣) - بَابُ مَا جَاءَ فِي: أَمْرُكَ بِبَيْدِكَ (التحفة ٣)

١١٧٨ - حَدَّثَنَا عَلِيُّ بْنُ نَصْرِ بْنِ عَلِيٍّ: حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ قَالَ: قُلْتُ لِأَيُّوبَ: هَلْ عَلِمْتَ [أَنَّ] أَحَدًا قَالَ فِي: أَمْرُكَ بِبَيْدِكَ: إِنَّهَا ثَلَاثٌ إِلَّا الْحَسَنَ؟ فَقَالَ: لَا إِلَّا الْحَسَنَ. ثُمَّ قَالَ: اللَّهُمَّ غَفِرًا إِلَّا مَا حَدَّثَنِي قَتَادَةُ عَنْ كَثِيرٍ مَوْلَى بَنِي سَمُرَةَ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «ثَلَاثٌ».

قَالَ أَيُّوبُ: فَلَقِيتُ كَثِيرًا مَوْلَى بَنِي سَمُرَةَ فَسَأَلْتُهُ فَلَمْ يَعْرِفْهُ، فَرَجَعْتُ إِلَى قَتَادَةَ فَأَخْبَرْتُهُ فَقَالَ: نَسِيَ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ [غَرِيبٌ] إِلَّا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ سُلَيْمَانَ بْنِ حَرْبٍ عَنْ حَمَادِ بْنِ زَيْدٍ. وَسَأَلْتُ مُحَمَّدًا عَنْ هَذَا الْحَدِيثِ فَقَالَ: حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ عَنْ حَمَادِ بْنِ زَيْدٍ بِهِذَا. وَإِنَّمَا هُوَ عَنْ أَبِي هُرَيْرَةَ مَوْقُوفٌ.

وَلَمْ يَعْرِفْ حَدِيثُ أَبِي هُرَيْرَةَ مَوْقُوعًا

The *Hadīth* of Abū Hurairah is not known to be *Marfū'*, and 'Alī bin Naṣr (one of the narrators) is a *Ḥāfiẓ*, a person of *Ḥadīth*.

The people of knowledge differ over (the statement): "Your case is up to you." Some of the people of knowledge among the Companions of the Prophet ﷺ and others – among them 'Umar bin Al-Khaṭṭāb and 'Abdullāh bin Mas'ūd – said: "It is one." This is the view of more than one of the people of knowledge among the *Tābi'in* and those after them.

'Uthmān bin 'Affān and Zaid bin Thābit said that the decision is as she decides.

Ibn 'Umar said: "If a man leaves the case up to his wife and she divorces herself three times and her husband dislikes that, saying: 'I only left the case up to her for one' then the husband is to take an oath and it will be in accordance with whatever he swears."

Sufyān and the people of Al-Kūfah followed the view of 'Umar and 'Abdullāh. As for Mālik bin Anas he said: "The decision is as she decides," and this is the view of Aḥmad. As for Ishāq, he followed the view of Ibn 'Umar.

تخريج: [إسناده ضعيف] وأخرجه النسائي: ١٤٧/٦، ح: ٣٤٣٩ عن علي بن نصر، وأبو داود، ح: ٢٢٠٤ من حديث سليمان بن حرب به * قتادة مدلس وعنعن.

Comments:

Imām Muḥammad has reported this point of view of the *Aḥnāf*; that it depends on the intention of the husband. If he intends one divorce it will be revocable during the waiting period of three months. According to Zaid bin Thābit, if the husband intends one divorce it is revocable.

وَكَانَ عَلَيَّ بِنُ نَصْرٍ حَافِظًا، صَاحِبَ حَدِيثٍ.
وَقَدْ اخْتَلَفَ أَهْلُ الْعِلْمِ فِي: أَمْرِكَ بِيَدِكَ.
فَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ
ﷺ، وَغَيْرِهِمْ مِنْهُمْ عُمَرُ بْنُ الْخَطَّابِ وَعَبْدُ
اللَّهِ بْنُ مَسْعُودٍ: هِيَ وَاحِدَةٌ. وَهُوَ قَوْلُ غَيْرِ
وَاحِدٍ مِنْ أَهْلِ الْعِلْمِ مِنَ التَّابِعِينَ وَمَنْ
بَعْدَهُمْ.

وَقَالَ عُثْمَانُ بْنُ عَفَّانَ وَزَيْدُ بْنُ ثَابِتٍ:
الْقَضَاءُ مَا قَضَتْ.

وَقَالَ ابْنُ عُمَرَ: إِذَا جَعَلَ أَمْرَهَا بِيَدِهَا
وَطَلَّقَتْ نَفْسَهَا ثَلَاثًا، وَأَنْكَرَ الزَّوْجُ وَقَالَ: لَمْ
أَجْعَلْ أَمْرَهَا [بِيَدِهَا] إِلَّا فِي وَاحِدَةٍ،
اسْتَحْلَفَ الزَّوْجُ وَكَانَ الْقَوْلُ قَوْلَهُ مَعَ يَمِينِهِ.
وَذَهَبَ سُفْيَانُ وَأَهْلُ الْكُوفَةِ إِلَى قَوْلِ عُمَرَ
وَعَبْدِ اللَّهِ. وَأَمَّا مَالِكُ بْنُ أَنَسٍ فَقَالَ: الْقَضَاءُ
مَا قَضَتْ. وَهُوَ قَوْلُ أَحْمَدَ وَأَمَّا إِسْحَاقُ
فَذَهَبَ إِلَى قَوْلِ ابْنِ عُمَرَ.

Chapter 4. What Has Been Related About The Choice

1179. 'Āishah said: "The Messenger of Allāh ﷺ gave us the choice, so we chose him. So was that a divorce?" (*Ṣaḥīḥ*)

(Another chain with a similar narration)

(Abū 'Eīsā said:) This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. The people of knowledge differ over the choice. It has been related from 'Umar and 'Abdullāh bin Mas'ūd that they said: "If she chooses herself (divorce) then it is once, irrevocable." And it has been related from them that they also said: "Once, and he has the ability to take her back, and if she chooses her husband then it is (counted as) nothing."

It has been related that 'Alī said: "If she chooses herself (divorce) then it is once, irrevocable, and if she chooses her husband then it counts as once, and he has the ability to take her back."

Zaid bin Thābit said: "If she chooses her husband then it is once, and if she chooses herself then it is three."

On this topic, most of the people of knowledge and *Fiqh* among the Companions of the Prophet ﷺ and those after them followed the view of 'Umar and 'Abdullāh, and it is the view of Sufyān Ath-Thawrī and the people of Al-Kūfah. As for Aḥmad bin Ḥanbal, he followed the view of 'Alī, may Allāh be pleased with him.

(المعجم ٤) - بَابُ مَا جَاءَ فِي الْخِيَارِ

(التحفة ٤)

١١٧٩ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا سُفْيَانُ عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: خَيْرَنَا رَسُولُ اللَّهِ ﷺ فَأَخْتَرْنَاهُ. أَفَكَانَ طَلَاقًا؟

حَدَّثَنَا بُنْدَارٌ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا سُفْيَانُ عَنْ الْأَعْمَشِ، عَنْ أَبِي الضُّحَى، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ، بِمِثْلِهِ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَاخْتَلَفَ أَهْلُ الْعِلْمِ فِي الْخِيَارِ. فَرَوَى عَنْ عُمَرَ وَعَبْدِ اللَّهِ بْنِ مَسْعُودٍ أَنَّهُمَا قَالَا: إِنْ اخْتَارَتْ نَفْسَهَا، فَوَاحِدَةٌ بَائِنَةٌ. وَرَوَى عَنْهُمَا أَنَّهُمَا قَالَا أَيْضًا: وَاحِدَةٌ يَمْلِكُ الرَّجْعَةَ، وَإِنْ اخْتَارَتْ زَوْجَهَا فَلَا شَيْءَ. وَرَوَى عَنْ عَلِيٍّ أَنَّهُ قَالَ: إِنْ اخْتَارَتْ نَفْسَهَا فَوَاحِدَةٌ بَائِنَةٌ. وَإِنْ اخْتَارَتْ زَوْجَهَا فَوَاحِدَةٌ يَمْلِكُ الرَّجْعَةَ.

وَقَالَ زَيْدُ بْنُ ثَابِتٍ: إِنْ اخْتَارَتْ زَوْجَهَا فَوَاحِدَةٌ، وَإِنْ اخْتَارَتْ نَفْسَهَا فَثَلَاثٌ. وَذَهَبَ أَكْثَرُ أَهْلِ الْعِلْمِ وَالْفَقْهِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَمَنْ بَعْدَهُمْ فِي هَذَا الْبَابِ إِلَى قَوْلِ عُمَرَ وَعَبْدِ اللَّهِ. وَهُوَ قَوْلُ الثَّوْرِيِّ وَأَهْلِ الْكُوفَةِ. وَأَمَّا أَحْمَدُ بْنُ حَنْبَلٍ، فَذَهَبَ إِلَى قَوْلِ عَلِيٍّ رَضِيَ اللَّهُ عَنْهُ.

تخريج: متفق عليه، وأخرجه مسلم، الطلاق، باب بيان أن تخييره امرأته لا يكون طلاقاً إلا بالنية، ح: ١٤٧٧ عن محمد بن بشار والبخاري، ح: ٥٢٦٣ من حديث إسماعيل بن أبي خالد به.

Comments:

Most of the Companions of the Prophet ﷺ and the followers of the Companions and scholars of Islamic jurisprudence say; if the woman chooses her husband then it is counted as nothing. She can go back to her husband. This is an accepted and correct point of view. If she chooses herself to be divorced, then there is difference of opinion among the scholars and the people of knowledge. Imām At-Tirmidhi has discussed the details of this issue.

Chapter 5. What Has Been Related About: The Woman With Three Divorces Gets No Housing Nor Maintenance (From The Husband)

(المعجم ٥) - بَابُ مَا جَاءَ فِي الْمُطْلَقَةِ
ثَلَاثًا لَا سُكْنَى لَهَا وَلَا نَفَقَةً (التحفة ٥)

1180. Fāṭimah bint Qais said: “My husband divorced me three times during the time of the Prophet ﷺ. So the Messenger of Allāh ﷺ said: ‘There is no housing for you nor maintenance.’” Al-Mughīrah (one of the narrators) said: “I mentioned that to Ibrāhīm and he said: Umar said: ‘We do not leave the Book of Allāh and the *Sunnah* of our Prophet for the saying of a woman, and we do not know if she remembered or forgot.’” And ‘Umar used to give her (the divorced woman) housing and maintenance.” (*Saḥīḥ*)

This was narrated to us from Aḥmad bin Manī‘ (who said): “Hushaim narrated to us: ‘Ḥusain, Ismā‘īl and Mujālid informed us.’”

Hushaim said: “Dāwūd narrated it to us as well, from Ash-Sha‘bī who said: ‘I entered upon Fāṭimah bint Qais and asked her about the judgement of the Messenger of

١١٨٠ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا جَرِيرٌ عَنْ مُغِيرَةَ، عَنِ الشَّعْبِيِّ، قَالَ: قَالَتْ فَاطِمَةُ بِنْتُ قَيْسٍ: طَلَّقَنِي زَوْجِي ثَلَاثًا عَلَى عَهْدِ النَّبِيِّ ﷺ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا سُكْنَى لَكَ وَلَا نَفَقَةٌ».

قَالَ مُغِيرَةُ: فَذَكَرْتُهُ لِإِبْرَاهِيمَ فَقَالَ: قَالَ عُمَرُ: لَا نَدْعُ كِتَابَ اللَّهِ وَسُنَّةَ نَبِيِّنَا ﷺ لِقَوْلِ امْرَأَةٍ، لَا نَدْرِي أَحْفِظْتُ أَمْ نَسِيتُ، وَكَانَ عُمَرُ يَجْعَلُ لَهَا السُّكْنَى وَالنَّفَقَةَ.

حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا هُشَيْمٌ: أَنَّ بَنَاتَنَا حُصَيْنَ وَإِسْمَاعِيلَ وَمُجَالِدَ.

قَالَ هُشَيْمٌ: وَحَدَّثَنَا دَاوُدُ أَيْضًا عَنِ الشَّعْبِيِّ قَالَ: دَخَلْتُ عَلَى فَاطِمَةَ ابْنَةِ قَيْسٍ فَسَأَلْتُهَا عَنْ قَضَاءِ رَسُولِ اللَّهِ ﷺ فِيهَا، فَقَالَتْ: طَلَّقَهَا زَوْجُهَا الْبَتَّةَ، فَخَاصَمْتُهُ فِي السُّكْنَى وَالنَّفَقَةِ، فَلَمْ يَجْعَلْ لَهَا النَّبِيُّ ﷺ سُكْنَى وَلَا نَفَقَةً.

Allāh ﷺ in her case. She said that she was divorced irrevocably by her husband and she argued with him for housing and maintenance, but the Prophet ﷺ did not grant her housing, nor maintenance.”

And in the narration of Dāwud she said: “And he ordered me to stay at the home of Ibn Umm Maktūm during my *Iddah*.”

(Abū ‘Eisā said:) This *Hadīth* is *Hasan Ṣaḥīh*.

This is the view of some of the people of knowledge, among them Al-Ḥasan Al-Baṣrī, ‘Aṭā’ bin Abī Rabāḥ, and Ash-Sha’bī, and it is the view of Aḥmad and Ishāq. And they said: The divorced woman gets neither housing nor maintenance when her husband does not have the ability to take her back.

Some of the people of knowledge among the Companions of the Prophet ﷺ – among them ‘Umar and ‘Abdullāh – said that the woman divorced three times gets housing and maintenance. This is the view of Sufyān Ath-Thawrī and the people of Al-Kūfah.

Some of the people of knowledge said that she gets housing but there is no maintenance for her. This is the view of Mālik bin Anas, Al-Laiṭh bin Sa’d, and Ash-Shāfi’ī. Ash-Shāfi’ī said: “We only give her housing based upon the Book of Allāh, Allāh Most High said: And turn them not out of their homes, nor shall they (themselves) leave, except in the case they are guilty of

وفي حَدِيثِ دَاوُدَ قَالَتْ: وَأَمَرَنِي أَنْ أَغْتَدَّ فِي بَيْتِ ابْنِ أُمِّ مَكْتُومٍ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، وَهُوَ قَوْلُ بَعْضِ أَهْلِ الْعِلْمِ، مِنْهُمْ الْحَسَنُ الْبَصْرِيُّ وَعَطَاءُ بْنُ أَبِي رَبَاحٍ وَالشَّعْبِيُّ، وَبِهِ يَقُولُ أَحْمَدُ وَإِسْحَاقُ، وَقَالُوا: لَيْسَ لِلْمُطَلَّقَةِ سُكْنَى وَلَا نَفَقَةٌ، إِذَا لَمْ يَمْلِكْ زَوْجُهَا الرِّجْعَةَ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ، مِنْهُمْ عُمَرُ وَعَبْدُ اللَّهِ: إِنَّ الْمُطَلَّقَةَ ثَلَاثًا، لَهَا السُّكْنَى وَالنَّفَقَةُ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَأَهْلِ الْكُوفَةِ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: لَهَا السُّكْنَى وَلَا نَفَقَةٌ، لَهَا، وَهُوَ قَوْلُ مَالِكِ بْنِ أَنَسٍ وَاللَّيْثِ بْنِ سَعْدٍ وَالشَّافِعِيِّ. وَقَالَ الشَّافِعِيُّ: إِنَّمَا جَعَلْنَا لَهَا السُّكْنَى بِكِتَابِ اللَّهِ قَالَ اللَّهُ تَعَالَى: ﴿لَا تَخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَحِشَةٍ مُبَيَّنَةٍ﴾ [الطلاق: ١] قَالُوا: هُوَ الْبَذَاءُ، أَنْ تَبْذُو عَلَى أَهْلِهَا، وَاعْتَلَّ بِأَنَّ فَاطِمَةَ ابْنَةَ قَيْسٍ لَمْ يَجْعَلْ لَهَا النَّبِيُّ ﷺ السُّكْنَى، لِمَا كَانَتْ تَبْذُو عَلَى أَهْلِهَا.

قَالَ الشَّافِعِيُّ: وَلَا نَفَقَةٌ لَهَا، لِحَدِيثِ رَسُولِ اللَّهِ ﷺ فِي قِصَّةِ حَدِيثِ فَاطِمَةَ بِنْتِ قَيْسٍ.

some open *Fahishah*.^[1] And they say it (*Fahishah*) is to behave in a foul manner, that she misbehaves with her family, and they explain that the reason that Fāṭimah bint Qais was not granted housing by the Prophet ﷺ is that she had behaved in a foul manner with her family.”

Ash-Shāfi'ī said: “And she gets no maintenance due to the *Hadīth* of the Prophet ﷺ about the story of Fāṭimah bin Qais.

تخريج: وأخرجه مسلم، الطلاق، باب المطلقة البائن لا نفقة لها، ح: ١٤٨٠ من حديث مغيرة به.

Comments:

This is agreed upon that one divorce which is revocable and three divorces which are irrevocable in both if a woman is pregnant has the right of housing and maintenance during her *'Iddah*. (Probationary period of divorce.)

Chapter 6. What Has Been Related About: There Is No Divorce Before Marriage

1181. ‘Amr bin Shu‘aib narrated from his grandfather, from his father, that the Messenger of Allāh ﷺ said: “There is no vow for the son of Ādam over what he has no control, and there is no emancipating he can do for one whom he does not own, and there is no divorce for him regarding that which he has no control over.” (*Hasan*)

(He said:) There are narrations on this topic from ‘Alī, Mu‘ādh bin Jabal, Jābir, Ibn ‘Abbās, and ‘Aishah.

(المعجم ٦) - بَابُ مَا جَاءَ لَا طَّلَاقَ قَبْلَ النِّكَاحِ (التحفة ٦)

١١٨١ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا هُشَيْمٌ: حَدَّثَنَا عَامِرُ الْأَحْوَلُ عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا نَذْرَ لِابْنِ آدَمَ فِيمَا لَا يَمْلِكُ، وَلَا عَتَقَ لَهُ فِيمَا لَا يَمْلِكُ، وَلَا طَلَاقَ لَهُ فِيمَا لَا يَمْلِكُ». [قَالَ:] وَفِي الْبَابِ عَنْ عَلِيٍّ وَمُعَاذِ بْنِ جَبَلٍ وَجَابِرِ بْنِ عَبَّاسٍ وَعَائِشَةَ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ عَبْدِ اللَّهِ بْنِ عَمْرٍو حَدِيثٌ حَسَنٌ صَحِيحٌ. وَهُوَ أَحْسَنُ شَيْءٍ رُوِيَ فِي هَذَا الْبَابِ. وَهُوَ قَوْلُ أَكْثَرِ

[1] *At-Talāq* 65:1.

(Abū 'Eisā said:) The *Ḥadīth* of 'Abdullāh bin 'Amr is a *Ḥasan Ṣaḥīḥ Ḥadīth*, and it is the best thing reported on this topic. This is the view of most of the people of knowledge among the Companions of the Prophet ﷺ and others. This has been related from 'Alī bin Abī Ṭālib, Ibn 'Abbās, Jābir bin 'Abdullāh, Sa'eed bin Al-Musayyab, Al-Ḥasan, Sa'eed bin Jubair, 'Alī bin Al-Ḥasan, Shuraiḥ, Jābir bin Zaid, and more than one of the *Fuqahā'* among the *Tābi'in*, and it is the view of Ash-Shāfi'ī.

It has been related that Ibn Mas'ūd said about the *Manṣūbah*:^[1] "She is divorced." It has been related from Ibrāhīm An-Nakha'i, Ash-Sha'bī, and others among the people of knowledge that they said: "If he specifies a time, it (the divorce) holds (at the expiration of the time)." This is the view of Sufyān Ath-Thawrī. Mālik bin Anas said: "When he names a woman specifically, or specifies a time, or he says: 'If I marry someone from this district,' then if he marries someone, she is divorced."

As for Ibn Al-Mubārak, he was very stern on this topic, he said: "If it is done, I do not say that it is unlawful." Aḥmad said: "If he married, I do not order him to separate from his wife." Ishāq said: "I allow it in the case of *Al-Manṣūbah*, due to the *Ḥadīth* of Ibn Mas'ūd, but if he marries her, I

أَهْلُ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ. رُوِيَ ذَلِكَ عَنْ عَلِيٍّ بْنِ أَبِي طَالِبٍ وَابْنِ عَبَّاسٍ وَجَابِرِ بْنِ عَبْدِ اللَّهِ وَسَعِيدِ بْنِ مُسَيْبٍ وَالْحَسَنِ وَسَعِيدِ بْنِ جُبَيْرٍ وَعَلِيٍّ بْنِ الْحُسَيْنِ وَشُرَيْحَ وَجَابِرِ بْنِ زَيْدٍ وَغَيْرِ وَاحِدٍ مِنْ فُقَهَاءِ التَّابِعِينَ. وَبِهِ يَقُولُ الشَّافِعِيُّ، وَرُوِيَ عَنْ ابْنِ مَسْعُودٍ أَنَّهُ قَالَ فِي الْمَنْصُوبَةِ: إِنَّهَا تَطْلُقُ. [وَقَدْ] رُوِيَ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ وَالشَّعْبِيِّ وَغَيْرِهِمَا مِنْ أَهْلِ الْعِلْمِ: أَنَّهُمْ قَالُوا: إِذَا وَقَّتْ نَزَلَ. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَمَالِكِ ابْنِ أَنَسٍ: أَنَّهُ إِذَا سَمَى امْرَأَةً بِعَيْنِهَا أَوْ وَقَّتْ وَقْتًا أَوْ قَالَ: إِنْ تَزَوَّجْتُ مِنْ كُورَةٍ كَذَا، فَإِنَّهُ إِنْ تَزَوَّجَ فَإِنَّهَا تَطْلُقُ.

وَأَمَّا ابْنُ الْمُبَارَكِ فَشَدَّدَ فِي هَذَا الْبَابِ وَقَالَ: إِنْ فَعَلَ، لَا أَقُولُ هِيَ حَرَامٌ. وَقَالَ أَحْمَدُ: إِنْ تَزَوَّجَ لَا أَمْرُهُ أَنْ يُفَارِقَ امْرَأَتَهُ. وَقَالَ إِسْحَاقُ: أَنَا أُجِيزُ فِي الْمَنْصُوبَةِ، لِحَدِيثِ ابْنِ مَسْعُودٍ، وَإِنْ تَزَوَّجَهَا لَا أَقُولُ تَحْرُمُ عَلَيْهِ امْرَأَتُهُ وَوَسَّعَ إِسْحَاقُ فِي غَيْرِ الْمَنْصُوبَةِ.

وَذَكَرَ عَنْ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ أَنَّهُ سُئِلَ عَنْ رَجُلٍ حَلَفَ بِالطَّلَاقِ أَنْ لَا يَتَزَوَّجَ ثُمَّ بَدَأَ لَهُ أَنْ يَتَزَوَّجَ، هَلْ لَهُ رُخْصَةٌ بِأَنْ يَأْخُذَ بِقَوْلِ الْفُقَهَاءِ الَّذِينَ رَخَّصُوا فِي هَذَا؟ فَقَالَ [عَبْدُ اللَّهِ] بَنُ الْمُبَارَكِ: إِنْ كَانَ يَرَى هَذَا

[1] "In some of the manuscripts it is: *Manṣūbah* with *Sin* meaning a woman belonging to a tribe or a land. And the meaning of *Manṣūbah* is the particular woman." (*Tuhfat Al-Aḥwadhī*)

do not say that his wife is unlawful for him.” In cases other than the *Mansūbah*, Ishāq was liberal with it.

It has been mentioned that ‘Abdullāh bin Al-Mubārak was asked about a man who took an oath of divorce that he would not marry, then it occurred to him to marry, does he have the permission to do it if he follows the view of the *Fuqahā* that permit that? So (‘Abdullāh) Ibn Al-Mubārak said: “If he thought that this view was the truth before he was tested with this issue, then he can take their saying. As for the one who did not accept this, then if he is tested and wants to take their saying, then I do not think it is allowed for him.”

تخريج: [إسناده حسن] وأخرجه ابن ماجه، الطلاق، باب: لا طلاق قبل النكاح، ح: ٢٠٤٧ من حديث هشيم وأبو داود، ح: ٢١٩٠ من حديث عمرو بن شعيب به ولفظ الحاكم: ٢/ ٢٠٥ "لا طلاق قبل النكاح" وصححه الذهبي * وفي الباب عن علي [ابن ماجه، ح: ٢٠٤٩ والطبراني في الصغير: ٩٦/١ وأصله عند أبي داود، ح: ٢٨٧٣] ومعاذ بن جبل [الحاكم في المستدرک: ٤١٩/٢ وهو منقطع] وجابر [الحاكم: ٤٢٠/٢] وابن عباس [الحاكم: ٤١٩/٢ والبيهقي: ٣٢٠/٧] وعائشة [الحاكم: ٤١٩/٢].

Comments:

Shah Waliullāh writes that the saying of the Messenger of Allāh ﷺ “There is no divorce for him regarding that which he has no control over” is quite clear, and it relates to the divorce that is going to be effective, but is pending or delayed for some condition. As in this example, “when I marry someone she is divorced.” This is a general order for all.

Chapter 7. What Has Been Related About: Divorce For A Slave Woman Is Twice

1182. Muzāhir bin Aslam narrated that Al-Qāsim narrated from ‘Aishah that the Messenger of Allāh ﷺ said: “The divorce for a slave woman is two divorces, and her *‘iddah* is two menstruations.” (*Da‘īf*)

(المعجم ٧) - بَابُ مَا جَاءَ أَنَّ طَلَاقَ

الْأَمَةِ تَطْلِيقَتَانِ (التحفة ٧)

١١٨٢ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى النَّيْسَابُورِيُّ: حَدَّثَنَا أَبُو عَاصِمٍ عَنِ ابْنِ جُرَيْجٍ قَالَ: حَدَّثَنِي مُطَاهِرُ بْنُ أَشْلَمَ قَالَ: حَدَّثَنِي الْقَاسِمُ عَنْ عَائِشَةَ: أَنَّ رَسُولَ

(Another chain with a similar narration)

(He said:) There is something on this topic from 'Abdullāh bin 'Umar.

(Abū 'Eisā said:) The *Hadīth* of 'Āishah is a *Gharīb Hadīth*, we do not know of it being *Marfū'* except from the narration of Muẓāhir bin Aslam. We do not know of Muẓāhir to have any knowledge, aside from this *Hadīth*.

This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. It is the view of Sufyān Ath-Thawrī, Ash-Shāfi'ī, Aḥmad, and Ishāq.

اللَّهُ ﷻ قَالَ: «طَلَاقُ الْأَمَةِ تَطْلِيقَتَانِ، وَعِدَّتُهَا حَيْضَتَانِ».

قَالَ مُحَمَّدُ بْنُ يَحْيَى: وَحَدَّثَنَا أَبُو عَاصِمٍ: حَدَّثَنَا مُطَاهِرٌ بِهَذَا.

[قَالَ:] وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ. [قَالَ أَبُو عِيسَى:] حَدِيثُ عَائِشَةَ حَدِيثٌ غَرِيبٌ، لَا نَعْرِفُهُ مَرْفُوعًا إِلَّا مِنْ حَدِيثِ مُطَاهِرِ ابْنِ أَسْلَمَ، وَمُطَاهِرٌ لَا نَعْرِفُ لَهُ فِي الْعِلْمِ غَيْرَ هَذَا الْحَدِيثِ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الطلاق، باب: في سنة طلاق العبد، ح: ١٨٩ وابن ماجه، ح: ٢٠٨٠ من حديث أبي عاصم به وقال أبو داود: "هو حديث مجهول" * مظاهر بن أسلم: ضعيف كما في تقريب التهذيب وغيره * وفي الباب عن عبدالله بن عمر [ابن ماجه، ح: ٢٠٧٩].

Comments:

According to the *Ahnāf* enforcement and effectiveness of divorce depends on the wife's status, whether she is a free woman or a slave woman. If she is a slave woman, divorce will be effective with two divorces and she cannot marry her husband again until and unless she marries another person, and they have sexual relations. Her *'Iddah* is two menstruating periods. The status of the male has no concern with it whether he is a free man or a slave. the *Ahnāf* bring forward this narration in their support. According to the other three *A'immaḥ*, this narration is related to that slave woman whose husband is also a slave.

Chapter 8. What Has Been Related About The Man Who Thinks To Himself About Divorcing His Wife

1183. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Allāh has permitted my *Ummah* what occurs in their minds, as long as it is not spoken or acted upon." (*Saḥīḥ*)

(المعجم ٨) - بَابُ مَا جَاءَ فِيمَنْ يُحَدِّثُ نَفْسَهُ بِطَلَاقِ امْرَأَتِهِ (التحفة ٨)

١١٨٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ قَتَادَةَ، عَنْ زُرَّارَةَ بْنِ أَوْفَى، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «تَجَاوَزَ اللَّهُ

(Abū 'Eisā said:) This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. This is acted upon according to the people of knowledge, when a man thinks about divorce to himself, it will not amount to anything until he talks about it.

لَأَمَّتِي مَا حَدَّثْتُ بِهِ أَنْفُسَهَا، مَا لَمْ تَكَلِّمْ بِهِ أَوْ تَعْمَلْ بِهِ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ: أَنَّ الرَّجُلَ إِذَا حَدَّثَ نَفْسَهُ بِالطَّلَاقِ، لَمْ يَكُنْ شَيْئًا حَتَّى يَتَكَلَّمَ بِهِ.

تخریج: متفق عليه، وأخرجه مسلم، الإيمان، باب: تجاوز الله عن حديث النفس والخواطر بالقلب إذا لم تستقر، ح: ١٢٧ عن قتيبة والبخاري، ح: ٥٢٦٩ عن حديث قتادة به.

Comments:

There is no accountability on thinking of human beings until they put this thinking into practice. If someone ponders over the issue of divorce, whether to divorce his wife or not, no matter if it is out loud there is no accountability and no divorce is implemented because no one knows his intention except Allāh. When he brings his intention of divorce on his tongue and says it before the people it is effective.

Chapter 9. What Has Been Related About Seriousness And Jest Regarding Divorce

(المعجم ٩) - بَابُ مَا جَاءَ فِي الْحَدِّ وَالْهَزْلِ فِي الطَّلَاقِ (التحفة ٩)

1184. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Three are serious when they are serious, and serious when they are in jest: Marriage, divorce, and return." (*Ḥasan*)

(Abū 'Eisā said:) This *Ḥadīth* is *Ḥasan Gharīb*.

This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others.

Abū 'Eisā said: And 'Abdur-Raḥmān (one of the narrators) is Ibn Ḥabīb bin (Ardak Al-Madani). And Ibn Māhak; to me (it seems that) he is Yūsuf bin Māhak.

١١٨٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ [أَرْدَكِ الْمَدَنِيِّ] عَنْ عَطَاءٍ، عَنِ ابْنِ مَاهَكَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «ثَلَاثٌ جِدُّهُنَّ جِدٌّ، وَهَزْلُهُنَّ جِدٌّ: النِّكَاحُ، وَالطَّلَاقُ، وَالرَّجْعَةُ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ. قَالَ أَبُو عِيسَى: وَعَبْدُ الرَّحْمَنِ، هُوَ ابْنُ حَبِيبٍ بْنِ [أَرْدَكِ الْمَدَنِيِّ]. وَابْنُ مَاهَكَ، هُوَ عِنْدِي يُوسُفُ بْنُ مَاهَكَ.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، الطلاق، باب من طلق أو نكح أو راجع لاعباً، ح: ٢٠٣٩ من حديث حاتم وأبو داود، ح: ٢١٩٤ من حديث عبدالرحمن بن أركن به وصححه الحاكم: ١٩٨/٢ وغيره.

Comments:

In Islamic Law, some serious deeds like marriage, divorce, return, and manumission and their execution are strictly determined under decisive expedencies. So, it is strongly prohibited doing these in jest. Whoever performs these deeds in jest and fun, his action is taken seriously and it is considered implemented according to Islamic Law.

Chapter 10. What Has Been Related About Khul'

(المعجم ١٠) - بَابُ مَا جَاءَ فِي الْخُلْعِ
(التحفة ١٠)

1185. Ar-Rubayyi' bint Mu'awwidh bin Al-'Afrā' narrated that she got a Khul' during the time of the Prophet ﷺ. So the Prophet ﷺ ordered her - or: she was ordered - that she observe an 'Iddah of a menstruation." (*Hasan*)

(He said:) There is something on this topic from Ibn 'Abbās.

Abū 'Eisā said: In the *Hadīth* of Ar-Rubai' what is correct is: "she was ordered that she observe an 'Iddah of one menstruation."

١١٨٥ - حَدَّثَنَا مُحَمَّدُ بْنُ غِيلَانَ: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى عَنْ سُفْيَانَ: حَدَّثَنَا مُحَمَّدُ ابْنُ عَبْدِ الرَّحْمَنِ - وَهُوَ مَوْلَى آلِ طَلْحَةَ - عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنِ الرَّبِيعِ بِنْتِ مُعَوِذٍ ابْنِ عَفْرَاءَ: أَنَّهَا اخْتَلَعَتْ عَلَى عَهْدِ النَّبِيِّ ﷺ، فَأَمَرَهَا النَّبِيُّ ﷺ - أَوْ أُمِرَتْ - أَنْ تَعْتَذِرَ بِحَيْضَةٍ.

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عَبَّاسٍ. قَالَ أَبُو عِيسَى: حَدِيثُ الرَّبِيعِ الصَّحِيحُ أَنَّهَا أُمِرَتْ أَنْ تَعْتَذِرَ بِحَيْضَةٍ.

تخريج: [إسناده حسن] وأخرجه ابن ماجه، الطلاق، باب عدة المختلعة، ح: ٢٠٥٨ والنسائي: ١٨٦/٦، ١٨٧، ح: ٣٥٢٨ (من حديث الربيع بنت معوذ به) * وفي الباب عن ابن عباس [يأتي بعده في نفس الباب: ١١٨٥].

1185B. Ibn 'Abbās narrated that the wife of Thābit bin Qais was granted a Khul' from her husband during the time of the Prophet ﷺ. So the Prophet ﷺ ordered her to observe an 'Iddah of a menstruation. (*Hasan*)

(Abū 'Eisā said:) This *Hadīth* is *Hasan Gharīb*.

١١٨٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الرَّحِيمِ الْبُعْدَادِيُّ: حَدَّثَنَا عَلِيُّ بْنُ بَحْرٍ: حَدَّثَنَا هِشَامُ ابْنُ يُوسُفَ عَنْ مَعْمَرٍ، عَنْ عَمْرِو بْنِ مُسْلِمٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ أَنَّ امْرَأَةً ثَابِتِ ابْنِ قَيْسٍ اخْتَلَعَتْ مِنْ زَوْجِهَا عَلَى عَهْدِ النَّبِيِّ ﷺ، فَأَمَرَهَا النَّبِيُّ ﷺ أَنْ تَعْتَذِرَ بِحَيْضَةٍ.

The people of knowledge differ over the '*Iddah*' for the woman who was granted a *Khul'*. Most of the people of knowledge among the Companions of the Prophet ﷺ and others said that the '*Iddah*' for the woman who was granted a *Khul'* is the '*Iddah*' of the divorced woman, [three menstruations]. This is the view of (Sufyān) Ath-Thawrī and the people of Al-Kūfah, and it is the view of Aḥmad and Ishāq.

Some of the people of knowledge among the Companions of the Prophet ﷺ and others said that the '*Iddah*' of the woman who was granted a *Khul'* is one menstruation. Ishāq said: "If someone followed this view, then it is a strong view."

تخريج: [إسناده حسن] وأخرجه أبو داود، الطلاق، باب: في الخلع، ح: ٢٢٢٩ عن محمد ابن عبد الرحيم به وصححه الحاكم: ٢٠٦/٢ ووافقه الذهبي.

Comments:

"*Khul'*" means putting off the clothes as it is said 'put off your shirt' or 'put off your shoes,' etc. In the Qur'ān, man and wife have been mentioned as clothes for each other, so a wife's separation from her husband after giving his rights is like casting off the clothes.

Chapter 11. What Has Been Related About The Women Who Seek A *Khul'*

1186. Thawbān narrated that the Prophet ﷺ said: "The women who seek a *Khul'* are hypocrites." (*Ṣaḥīḥ*) (Abū 'Eisā said:) This *Ḥadīth* is *Gharīb* from this route, and its chain is not strong. It has been related that the Prophet ﷺ said: "Whichever woman seeks a *Khul'* from her husband without harm (cause), then she will never smell the scent of Paradise."

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ. وَاخْتَلَفَ أَهْلُ الْعِلْمِ فِي عِدَّةِ الْمُخْتَلِعَةِ، فَقَالَ أَكْثَرُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: إِنَّ عِدَّةَ الْمُخْتَلِعَةِ عِدَّةَ الْمُطَلَّقَةِ، [ثَلَاثَ حِيضٍ] وَهُوَ قَوْلُ [سُفْيَانَ] الثَّوْرِيِّ وَأَهْلِ الْكُوفَةِ، وَبِهِ يَقُولُ أَحْمَدُ وَإِسْحَاقُ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: أَنَّ عِدَّةَ الْمُخْتَلِعَةِ حِيضَةٌ. قَالَ إِسْحَاقُ: وَإِنْ ذَهَبَ ذَاهِبٌ إِلَى هَذَا، فَهُوَ مَذْهَبٌ قَوِيٌّ.

(المعجم ١١) - بَابُ مَا جَاءَ فِي

الْمُخْتَلِعَاتِ (التحفة ١١)

١١٨٦ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا مُزَاجِمُ ابْنُ دَوَّادٍ بْنِ عَلْبَةَ عَنْ أَبِيهِ، عَنْ لَيْثٍ، عَنْ أَبِي الْخَطَّابِ، عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي إِدْرِيسَ، عَنْ ثَوْبَانَ عَنْ النَّبِيِّ ﷺ قَالَ: «الْمُخْتَلِعَاتُ هُنَّ الْمُنَافِقَاتُ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ، وَلَيْسَ إِسْنَادُهُ بِالْقَوِيِّ.

وَرَوَى عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «أَيُّمَا امْرَأَةٍ اخْتَلَعَتْ مِنْ زَوْجِهَا مِنْ غَيْرِ بَأْسٍ، لَمْ تَرَخْ رَائِحَةَ الْجَنَّةِ».

تخریج: [صحيح] وأخرجه ابن عدي في الكامل: ٩٨٦/٣ من حديث أبي كريب به وسنده ضعيف ولكن له شواهد عند النسائي: ١٦٨/٦، ح: ٣٤٩١ وغيره، وبها صح الحديث.

1187. Thawbān narrated that the Messenger of Allāh ﷺ said: “Whichever woman seeks a *Khul'* from her husband without harm (cause), then the scent of Paradise will be unlawful for her.” (*Ṣaḥīḥ*)

(Abū 'Eisā said:) This *Hadīth* is *Hasan*. This *Hadīth* has been reported from Ayyūb, from Abū Qilābah, from Abū Asmā', from Thawbān. Some of them reported it from Ayyūb with this chain, but without mentioning it to be *Marfū'*.

١١٨٧ - حَدَّثَنَا بِذَلِكَ مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ: حَدَّثَنَا أَيُّوبُ عَنْ أَبِي قِلَابَةَ، عَمَّنْ حَدَّثَهُ، عَنْ ثَوْبَانَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «أَيُّمَا امْرَأَةٍ سَأَلَتْ زَوْجَهَا طَلَاقًا مِنْ غَيْرِ بَأْسٍ، فَحَرَامٌ عَلَيْهَا رَائِحَةُ الْجَنَّةِ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ، وَيُرَوَّى هَذَا الْحَدِيثُ عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي أَسْمَاءَ، عَنْ ثَوْبَانَ، وَرَوَاهُ بَعْضُهُمْ، عَنْ أَيُّوبَ بِهَذَا الْإِسْنَادِ وَلَمْ يَرْفَعْهُ.

تخریج: [صحيح] وأخرجه أحمد: ٢٧٧/٥، ح: ٢٢٧٣٨ من حديث أيوب به وأخرجه أبو داود، ح: ٢٢٢٦ وابن ماجه، ح: ٢٠٥٥ من حديث أيوب السخيتاني عن أبي قلابه عن أبي أسماء عن ثوبان به.

Comments:

The *Shāri'ah* aims to see the relationship of a husband and wife as permanent and lifelong, for this reason it has been suggested to overlook the weaknesses and drawbacks of each other, and pay no heed to small inaccuracies. Though *Khul'* and divorce are lawful, yet they have not been encouraged.

Chapter 12. What Has Been Related About Treating Women Kindly

1188. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Indeed the woman is like a rib, if you try to straighten her you will break her, and if you leave her, what you enjoy from her will be with the crookedness.” (*Ṣaḥīḥ*)

(المعجم ١٢) - بَابُ مَا جَاءَ فِي مُدَارَاةِ النِّسَاءِ (التحفة ١٢)

١١٨٨ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ أَبِي زَيْدٍ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا ابْنُ أَخِي ابْنِ شِهَابٍ عَنْ عَمِّهِ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ

(He said:) There are narrations on this topic from Abū Dharr, Samurah, and 'Āishah.

(Abū 'Eisā said:) The *Hadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Hadīth* that is *Gharīb* from this route, (and its chain is *Jayyid*).

اللَّهُ ﷻ: «إِنَّ الْمَرْأَةَ كَالضَّلَعِ إِنْ ذَهَبَتْ تُقِيمُهَا كَسَرْتَهَا، وَإِنْ تَرَكْتَهَا اسْتَمْتَعْتَ بِهَا عَلَى عَوَجٍ».

[قَالَ:] وَفِي الْبَابِ عَنْ أَبِي ذَرٍّ وَسَمُرَةَ وَعَائِشَةَ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ، غَرِيبٌ مِنْ هَذَا الْوَجْهِ [وإسناده جيد].

تخریج: وأخرجه مسلم، الرضاع، باب الوصية بالنساء، ح: ١٤٧٠ من حديث يعقوب به وللحديث طرق عند البخاري، ح: ٥١٨٤ ومسلم وغيرهما * وفي الباب عن أبي ذر [أحمد: ٥/١٥٠] وسمره [ابن حبان، ح: ١٣٠٨ والطبراني في الكبير: ٧/٢٤٤، ح: ٦٩٩٢ وله طريق آخر عند أحمد: ٨/٥] وعائشة.

Comments:

Dealing with women with kindness and overlooking their crookedness makes the family life more pleasant.

Chapter 13. What Has Been Related About A Man Whose Father Asks Him To Divorce (His Wife)

(المعجم ١٣) - بَابُ مَا جَاءَ فِي الرَّجُلِ يَسْأَلُهُ أَبُوهُ أَنْ يُطَلِّقَ [رَوْجَتَهُ] (التحفة ١٣)

1189. Ibn 'Umar narrated: "I had a wife whom I loved, but my father disliked her, so he ordered me to divorce her but I refused. I mentioned that to the Prophet ﷺ and he said: 'O 'Abdullāh bin 'Umar! Divorce your wife.'" (*Ḥasan*)

(Abū 'Eisā said:) This *Hadīth* is *Ḥasan Ṣaḥīḥ*, we only know of it as a narration of Ibn Abi *Dhi'b*.

١١٨٩ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ: حَدَّثَنَا ابْنُ الْمُبَارَكِ: حَدَّثَنَا ابْنُ أَبِي ذُئْبٍ عَنْ الْحَارِثِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ حَمْرَةَ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ ابْنِ عُمَرَ: قَالَ: كَانَتْ تَخْنِي امْرَأَةً أُحِبُّهَا، وَكَانَ أَبِي يَكْرَهُهَا، فَأَمَرَنِي أَبِي أَنْ أُطَلِّقَهَا فَأَبَيْتُ، فَذَكَرْتُ ذَلِكَ لِلنَّبِيِّ ﷺ فَقَالَ: يَا عَبْدَ اللَّهِ بْنَ عُمَرَ طَلِّقْ امْرَأَتَكَ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ

صَحِيحٌ، إِنَّمَا نَعْرِفُهُ مِنْ حَدِيثِ ابْنِ أَبِي ذُئْبٍ.

تخريج: [إسناده حسن] وأخرجه أبو داود، الأدب، باب: في بر الوالدين، ح: ٥١٣٨ وابن ماجه، ح: ٢٠٨٨ من حديث محمد بن عبد الرحمن بن أبي ذئب به وصححه ابن حبان (الإحسان): ٤٢٧، ٤٢٨ والحاكم على شرط الشيخين: ١٩٧/٢، ١٥٢/٤، ١٥٣ ووافقه الذهبي.

Comments:

Divorce is lawful but not appreciated. Divorce has been permitted under severe circumstances and dire need. No one should divorce his wife without utmost necessity, and in unavoidable circumstances.

Chapter 14. What Has Been Related About: No Woman Should Ask For The Divorce Of Her Sister

(المعجم ١٤) - بَابُ مَا جَاءَ لَا تَسْأَلِ الْمَرْأَةُ طَلَاقَ أُخْتِهَا (التحفة ١٤)

1190. Abū Hurairah narrated that the Prophet ﷺ said: “No woman should ask for the divorce of her sister (in religion) in order to spill what is in her container.”^[1] (*Ṣaḥīḥ*)

(He said:) There is something about this from Umm Salamah.

(Abū 'Eisā said:) The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

١١٩٠ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ، يَتْلُغُ بِهِ النَّبِيُّ ﷺ قَالَ: «لَا تَسْأَلِ الْمَرْأَةُ طَلَاقَ أُخْتِهَا، لِتَكْفِيَءَ مَا فِي إِنَائِهَا». [قَالَ:] وَفِي الْبَابِ عَنْ أُمِّ سَلَمَةَ. [قَالَ أَبُو عِيسَى:] حَدِيثُ أَبِي هُرَيْرَةَ، حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه مسلم، البيوع، باب تحريم بيع الحاضر للبادي، ح: ١٥٢٠ والبخاري، ح: ٢١٤٠ من حديث سفیان بن عیینة به * وفي الباب عن أم سلمة [الطبراني الكبير: ٢٣/٢٥٣، ح: ٥١٧].

Comments:

This narration is proof that a woman in any circumstances, and in any situation – even for the woman who is going to be her co-wife – should not ask for divorce. When Allāh gave her shelter and spending in the form of a husband, no woman should dare to undo this arrangement.

^[1] “In order to spill what is in her container” is a phrase that here refers to when a co-wife tries to get her husband to be inclined to her over his other wife. (See *Tuḥfat Al-Aḥwadhī*)

Chapter 15. What Has Been Related About The Divorce Pronounced By The *Ma'tūh*^[1] Person

1191. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Every divorce is valid except the divorce of the *Ma'tūh* person whose reason is overcome." (*Da'if Jiddan*)

(Abū 'Eīsā said:) We do not know of this *Ḥadīth* to be *Marfū'* except through the narration of 'Aṭā' bin 'Ajlān, and 'Aṭā' bin 'Ajlān is weak and his narrations are not preserved.

This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others: The divorce of the *Ma'tūh* whose reason is overcome is not valid, unless his state of *Ma'tūh* is sometimes lifted and he said the divorce when it was lifted.

(المعجم ١٥) - بَابُ مَا جَاءَ فِي طَلَاقِ الْمَعْتُوهِ (التحفة ١٥)

١١٩١ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى [الصَّنْعَانِيُّ]: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ الْفَزَارِيُّ عَنْ عَطَاءِ بْنِ عَجَلَانَ، عَنْ عِكْرِمَةَ بْنِ خَالِدٍ الْمَخْزُومِيِّ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «كُلُّ طَلَاقٍ جَائِزٌ، إِلَّا طَلَاقَ الْمَعْتُوهِ الْمَغْلُوبِ عَلَى عَقْلِهِ».

[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ لَا نَعْرِفُهُ مَرْفُوعًا إِلَّا مِنْ حَدِيثِ عَطَاءِ بْنِ عَجَلَانَ، وَعَطَاءُ بْنُ عَجَلَانَ ضَعِيفٌ، ذَاهِبُ الْحَدِيثِ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: أَنَّ طَلَاقَ الْمَعْتُوهِ الْمَغْلُوبِ عَلَى عَقْلِهِ لَا يَجُوزُ، إِلَّا أَنْ يَكُونَ مَعْتُوهاً، يُفِيقُ الْأَخْيَانَ، فَيُطْلَقَ فِي حَالِ إِفَاقَتِهِ.

تخريج: [إسناده ضعيف جداً] ورواه ابن الجندي في العلل المتناهية: ١٥٦/٢، ح: ١٠٦٩ من حديث الترمذي به * عطاء بن عجلان: متروك بل أطلق عليه ابن معين والفلاس وغيرهما الكذب، راجع التقريب وغيره.

Comments:

A divorce is effective when a woman is divorced consciously and deliberately by understanding the consequences of the words pronounced. As for a man who is insane or not in his senses and totally unaware of his actions, the pronouncement of divorce from him will not be implemented. Similarly the divorce given by a drunkard or intoxicated person is ineffective.

^[1] It is explained in the *Ḥadīth*. See *Tuhfat Al-Aḥwadhī*. This *Ḥadīth* is mentioned by *Al-Bukhārī* as a statement of 'Alī which appears directly before *Ḥadīth* no. 5269 in his *Ṣaḥīḥ*.

Chapter 16. The Revelation Of Allāh's Saying: Divorce Is Two Times

(المعجم ١٦) - بَابُ [نَزُولِ قَوْلِهِ :

الطَّلَاقِ مَرَّتَانٍ]

(التحفة ١٦)

1192. Hishām bin ‘Urwah narrated from his father, from ‘Āishah that she said: “The people were such that a man would divorce his wife when he wanted to divorce her, and she remained his wife when he wanted to take her back while she was in her *‘Iddah*, and he could divorce a hundred times, or even more, such that a man could say to his wife: ‘By Allāh! I will neither divorce you irrevocably, nor give you residence ever!’ She would say: ‘And how is that?’ He would say: ‘I will divorce you, and whenever your *‘Iddah* is just about to end I will take you back. So a woman went to ‘Āishah to inform her about that, and ‘Āishah was silent until the Prophet ﷺ came. So she told him and the Prophet ﷺ was silent, until the Qur’ān was revealed: Divorce is two times, after that, retain her on reasonable terms or release her with kindness.”^[1] So ‘Āishah said: “So the people could carry on with divorce in the future, (knowing) who was divorced, and who was not divorced.” (*Hasan*)

(Another chain) from Hishām bin ‘Urwah from his father and it is similar to this *Ḥadīth* in meaning, but he did not mention in it: “From ‘Āishah.”

(Abū ‘Eīsā said:) This is more

١١٩٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا يَعْلَى بْنُ شَيْبٍ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، قَالَتْ: كَانَ النَّاسُ، وَالرَّجُلُ يُطَلِّقُ امْرَأَتَهُ مَا شَاءَ أَنْ يُطَلِّقَهَا، وَهِيَ امْرَأَتُهُ إِذَا ارْتَجَعَهَا وَهِيَ فِي الْعِدَّةِ، وَإِنْ طَلَّقَهَا مِائَةَ مَرَّةٍ أَوْ أَكْثَرَ، حَتَّى قَالَ رَجُلٌ لَامْرَأَتِهِ: وَاللَّهِ لَا أُطَلِّقُكَ فَتَيْسَبِنَ مِنِّي، وَلَا آوِيكَ أَبَدًا، قَالَتْ: وَكَيْفَ ذَلِكَ؟ قَالَ: أُطَلِّقُكَ، فَكَلَّمَا هَمَّتْ عِدَّتِكَ أَنْ تَقْضِيَ، رَاجِعْتُكَ، فَذَهَبَتِ الْمَرْأَةُ حَتَّى دَخَلَتْ عَلَى عَائِشَةَ فَأَخْبَرَتْهَا. فَسَكَتَتْ عَائِشَةُ حَتَّى جَاءَ النَّبِيُّ ﷺ فَأَخْبَرَتْهُ فَسَكَتَ النَّبِيُّ ﷺ، حَتَّى نَزَلَ الْقُرْآنُ: ﴿الطَّلَاقُ مَرَّتَانٍ فَاِمْسَاكِ بِمَعْرُوفٍ أَوْ تَسْرِيعٍ بِإِحْسَانٍ﴾ [البقرة: ٢٢٩] قَالَتْ عَائِشَةُ: فَاسْتَأْنَفَ النَّاسُ الطَّلَاقَ مُسْتَقْبَلًا، مَنْ كَانَ طَلَّقَ وَمَنْ لَمْ يَكُنْ طَلَّقَ.

حَدَّثَنَا أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، نَحْوَ هَذَا الْحَدِيثِ بِمَعْنَاهُ، وَلَمْ يَذْكُرْ فِيهِ عَنْ عَائِشَةَ.

[قَالَ أَبُو عِيسَى:] وَهَذَا أَصَحُّ مِنْ حَدِيثِ

يَعْلَى بْنِ شَيْبٍ.

^[1] *Al-Baqarah* 2:229.

correct than the (previous) narration of Ya'la bin Shabīb.

تخريج: [حسن] وأخرجه البيهقي: ٣٣٣/٧، من حديث يعلى بن شبيب به وهو لين الحديث كما في التقريب وغيره ومع ذلك صححه الحاكم: ٢٨٠/٢ فتعقبه الذهبي، ورواه البيهقي: ٣٦٧/٧ من حديث ابن إسحاق: حدثني هشام عن أبيه عن عائشة به نحو المعنى وللحديث شواهد أخرى.

Comments:

In the period of *Jahiliyyah* people used to divorce their wives, and before the expiry of the probationary period (*Iddah*) they would take them back. There was no limit to this way of conduct. The husband could divorce his wife as many times as he wanted and take them back within the expiry of *Iddah* and she would remain his wife. Islamic Divine Law (*Shar'ah*) imposed a limit to it. "Divorce is two times, after that retain her on reasonable terms of release her with kindness." According to *Shah Waliullah* excessive use of the right of divorce and giving little importance to its consequences causes many evils and miseries in the society.

Chapter 17. What Has Been Related About The Pregnant Woman Who Gives Birth After Her Husband Dies

1193. Al-Aswad narrated from Abū As-Sanābil bin Ba'kak who said: "Subai'ah delivered twenty-three or twenty-five days after her husband had died. So when she was ready (finished post-natal bleeding) she adorned herself for marriage, but she was rebuked for doing that, so it was mentioned to the Prophet ﷺ and he said: 'If she has done that then her time has come.'" (*Hasan*)

(Another chain with a similar narration)

(He said:) There is something on this topic from Umm Salamah.

(Abū 'Eīsā said:) The *Hadīth* of Abū As-Sanābil is a well known *Hadīth* that is *Gharīb* from this route; we do not know of anything from Al-Aswad from Abū As-Sanābil. I heard Muḥammad saying:

(المعجم ١٧) - بَابُ مَا جَاءَ فِي الْحَامِلِ الْمَتَوَفَّى عَنْهَا زَوْجُهَا تَضَعُ (الشفعة ١٧)

١١٩٣ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا حُسَيْنُ بْنُ مُحَمَّدٍ: حَدَّثَنَا شَيْبَانُ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ أَبِي السَّنَابِلِ ابْنِ بَعْكَلٍ قَالَ: وَضَعْتُ سُبُعَةً بَعْدَ وَقَاةٍ زَوْجَهَا بِثَلَاثَةِ وَعَشْرِينَ يَوْمًا، أَوْ خَمْسَةِ وَعَشْرِينَ يَوْمًا، فَلَمَّا تَعَلَّتْ تَسْتَوِفُ لِلنِّكَاحِ، فَأَنْكِرَ عَلَيْهَا ذَلِكَ، فَذَكَرَ ذَلِكَ لِلنَّبِيِّ ﷺ. فَقَالَ: «إِنْ تَفْعَلْ فَقَدْ حَلَّ أَجْلُهَا».

حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا الْحَسَنُ بْنُ مُوسَى: حَدَّثَنَا شَيْبَانُ عَنْ مَنْصُورٍ نَحْوَهُ.

[قَالَ:] وَفِي الْبَابِ عَنْ أُمِّ سَلَمَةَ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَبِي السَّنَابِلِ حَدِيثٌ مَشْهُورٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ، وَلَا

"I do not know that Abū As-Sanābil lived after the Prophet ﷺ."

This is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others. It is lawful for the pregnant woman whose husband dies to seek marriage when she gives birth, even though her *Iddah* has not transpired.

This is the view of Sufyān Ath-Thawrī, Ash-Shāfi'ī, Aḥmad, and Ishāq. Some of the people of knowledge among the Companions of the Prophet ﷺ and others said that she remains in her *Iddah* until the end of the two terms.^[1] But the first view is more correct.

نَعْرِفُ لِلْأَسْوَدِ شَيْئًا، عَنْ أَبِي السَّنَابِلِ، وَسَمِعْتُ مُحَمَّدًا يَقُولُ: لَا أَعْرِفُ أَنَّ أَبَا السَّنَابِلِ عَاشَرَ بَعْدَ النَّبِيِّ ﷺ.

وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ أَنَّ الْحَامِلَ الْمُتَوَفَّى عَنْهَا زَوْجَهَا، إِذَا وَضَعَتْ فَقَدْ حَلَّ لَهَا التَّزْوِيجُ وَإِنْ لَمْ تَكُنْ انْقَضَتْ عِدَّتُهَا.

وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: تَعْتَدُ آخِرَ الْأَجَلَيْنِ، وَالْقَوْلُ الْأَوَّلُ أَصَحُّ.

تخريج: [حسن] وأخرجه ابن ماجه، الطلاق، باب الحامل المتوفى عنها زوجها، إذا وضعت حلت للأزواج، ح: ٢٠٢٧ والنسائي، ح: ٣٥٣٨ من حديث منصور به وصححه ابن حبان (الإحسان): ٤٢٨٥ وللحديث شواهد عند النسائي، ح: ٣٥٤٠ وغيره * وفي الباب عن أم سلمة [يأتي: ١١٩٤].

1194. Sulaimān bin Yasār narrated that Abū Hurairah, Ibn 'Abbās, and Abu Salamah bin 'Abdur-Raḥmān mentioned the pregnant woman whose husband died and she gave birth after the death of her husband. So Ibn 'Abbās said: "She observes *Iddah* until the end of the two terms." Abū Salamah said: "Rather, she is allowed when she gives birth." Abū Hurairah said: "I am with my nephew," meaning Abū Salamah.

So he sent a message to Umm Salamah the wife of the Prophet ﷺ. She said: "Subai'ah Al-

١١٩٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ أَنَّ أَبَا هُرَيْرَةَ وَابْنَ عَبَّاسٍ وَأَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ تَذَكَّرُوا الْمُتَوَفَّى عَنْهَا زَوْجَهَا، الْحَامِلَ تَضَعُ عِنْدَ وَفَاةِ زَوْجِهَا، فَقَالَ ابْنُ عَبَّاسٍ: تَعْتَدُ آخِرَ الْأَجَلَيْنِ. وَقَالَ أَبُو سَلَمَةَ: بَلْ تَحِلُّ جِئْنَ تَضَعُ، وَقَالَ أَبُو هُرَيْرَةَ: أَنَا مَعَ ابْنِ أَخِي، يَعْنِي أَبَا سَلَمَةَ.

فَأَرْسَلُوا إِلَى أُمِّ سَلَمَةَ، زَوْجِ النَّبِيِّ ﷺ فَقَالَتْ: قَدْ وَضَعْتُ سُبَيْعَةَ الْأَسْلَمِيَّةَ بَعْدَ وَفَاةِ

^[1] Meaning four months and ten days.

Aslamiyyah gave birth a short time after her husband died, so she sought the judgement of the Messenger of Allāh ﷺ and he ordered her to get married.” (Ṣaḥīḥ)

(Abū 'Eīsā said:) This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

تخريج: وأخرجه مسلم، الطلاق، باب انقضاء عدة المتوفى عنها زوجها، بوضع الحمل، ح: ١٤٨٥ من حديث الليث بن سعد به وللحديث طرق عند البخاري، ح: ٤٩٠٩ وغيره.

زَوْجَهَا بَيْسِيرٍ، فَاسْتَفْتَتْ رَسُولَ اللَّهِ ﷺ. فَأَمَرَهَا أَنْ تَتَزَوَّجَ. [قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

Comments:

Allāh's Command about the woman whose husband has died are quite clear in *Ṣurat Al-Baqarah* Verse 234. "If any of you dies and leaves a widow behind; they shall wait concerning themselves four months and ten days when they have fulfilled their term." In this Verse it has not been mentioned about the widow left behind whether she is pregnant or not. It can be inferred that in both cases the period is four months and ten days. In *Ṣurat At-Ṭalāq* it has been mentioned about the pregnant woman "For those who are pregnant their period is until they deliver their burden."

Chapter 18. What Has Been Related About The 'Iddah Of A Woman Whose Husband Dies

Ḥumaid bin Nāfi' narrated that Zainab bint Abī Salamah informed him of these three *Aḥādīth*:

1195. Zainab said: "I entered upon Umm Ḥabibah, the wife of the Prophet ﷺ when her father Sufyān bin Ḥarb died. So she asked for some perfume that had something yellow saffron or something else, so a girl applied it to her and put some on her cheeks. Then she said: 'By Allāh! I have no need for perfume except that I heard the

(المعجم ١٨) - بَابُ مَا جَاءَ فِي عِدَّةِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا (التحفة ١٨)

حَدَّثَنَا الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ بْنِ مُحَمَّدٍ بْنِ عَمْرٍو بْنِ حَزْمٍ، عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ زَيْنَبِ بِنْتِ أَبِي سَلَمَةَ، أَنَّهَا أَخْبَرَتْهُ بِهَذِهِ الْأَحَادِيثِ الثَّلَاثَةِ:

١١٩٥ - قَالَتْ زَيْنَبُ: دَخَلْتُ عَلَى أُمِّ حَبِيبَةَ زَوْجِ النَّبِيِّ ﷺ حِينَ تُوُفِّيَ أَبُوهَا، أَبُو سُفْيَانُ بْنُ حَرْبٍ. فَدَعَتْ بِطِيبٍ فِيهِ صُفْرَةٌ خُلُوقٍ أَوْ غَيْرِهِ، فَدَهَنَتْ بِهِ جَارِيَةً، ثُمَّ مَسَّتْ بِعَارِضِيهَا، ثُمَّ قَالَتْ: وَاللَّهِ مَا لِي بِالطِّيبِ مِنْ حَاجَةٍ، غَيْرَ أَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ

Messenger of Allāh ﷺ saying: "It is not lawful for a woman who believes in Allāh and the Last Day to mourn for the dead more than three days, except for her husband (in which case it is) four months and ten days."^[1] (*Sahih*)

يَقُولُ: «لَا يَحِلُّ لِمَرْأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ
الْآخِرِ، أَنْ تُحَدِّدَ عَلَى مَيِّتٍ فَوْقَ ثَلَاثَةِ أَيَّامٍ،
إِلَّا عَلَى زَوْجٍ، أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا».

تخريج: متفق عليه، وأخرجه البخاري، الجنائز، باب إحداث المرأة على غير زوجها،
ح: ١٢٨١، ٥٣٣٤ مسلم، ح: ١٤٨٦ من حديث مالك به وهو في الموطأ: ٥٩٦/٢، ٥٩٧.

Comments:

This narration proves that mourning for the dead for more than three days is not allowed. In case of the death of the husband, a widow must mourn and wait for four months and ten days. In this period she should not adorn herself. This is essential for her as it is mentioned in the narration no. 1197.

1196. Zainab said: "So I entered upon Zainab bint Jahsh when her brother died. She called for some perfume and put it on, then said: 'By Allāh! I have no need for perfume except that I heard the Messenger of Allāh ﷺ saying: "It is not lawful for a woman who believes in Allāh and the Last Day to mourn for the dead more than three nights, except for her husband (in which case it is) four months and ten days."<' (*Sahih*)

١١٩٦ - قَالَتْ زَيْنَبُ: فَدَخَلْتُ عَلَى
زَيْنَبَ بِنْتِ جَحْشٍ حِينَ تُوْفِّي أُخُوَهَا، فَدَعَتْ
بَطِيبٍ فَمَسَّتْ مِنْهُ، ثُمَّ قَالَتْ: وَاللَّهِ! مَا لِي فِي
الطِّيبِ مِنْ حَاجَةٍ، غَيْرَ أَنِّي سَمِعْتُ رَسُولَ
اللَّهِ ﷺ يَقُولُ: «لَا يَحِلُّ لِمَرْأَةٍ تُؤْمِنُ بِاللَّهِ
وَالْيَوْمِ الْآخِرِ أَنْ تُحَدِّدَ عَلَى مَيِّتٍ فَوْقَ ثَلَاثِ
لَيَالٍ، إِلَّا عَلَى زَوْجٍ، أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا».

تخريج: متفق عليه، وأخرجه البخاري، الطلاق، باب: تحد المتوفى عنها أربعة أشهر
وعشراً، ح: ٥٣٣٥ ومسلم، ح: ١٤٨٧.

1197. Zainab said: "And I heard my mother, Umm Salamah say: 'A woman came to the Messenger of Allāh ﷺ and she said: "O

١١٩٧ - قَالَتْ زَيْنَبُ: وَسَمِعْتُ أُمِّي، أُمَّ
سَلَمَةَ تَقُولُ: جَاءَتْ امْرَأَةٌ إِلَى رَسُولِ اللَّهِ
ﷺ. فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ ابْنَتِي تُوْفِّي

^[1] This occurred after the mourning period had ended, and she said that she had no need because she was still sad, but she ended the mourning due to the *Hadith*. See *Tuhfat Al-Ahwadhī*.

Messenger of Allāh! My daughter's husband died, and she is suffering from an eye ailment, so can she use *Kohl*?" the Messenger of Allāh ﷺ said: "No" two or three times. Each time (she asked) he said "no." Then he said: "It is just a matter of four months and ten (days). During *Jāhiliyyah* one of you would throw a clump of camel dung when one year passed."^[1] (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Furai'ah bint Mālik bin Sinān who is the sister of Abū Sa'eed Al-Khudrī, and Ḥafṣah bint 'Umar.

(Abū 'Eīsā said:) The *Ḥadīth* of Zainab is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. The woman whose husband has died is to avoid perfume and adornments during her *'Iddah*.

This is the view of Sufyān Ath-Thawrī, Mālik (bin Anas), Ash-Shāfi'ī, Aḥmad, and Ishāq.

تخریج: متفق عليه، وأخرجه البخاري، ح: ٥٣٣٦ ومسلم، ح: ١٤٨٨ (انظر الحديث السابق) * وفي الباب عن فريضة بنت مالك بن سنان [يأتي: ١٢٠٤] وحفصة بنت عمر [الطيالسي في مسنده، ح: ١٥٨٧ في: أن تحد فوق ثلاثة أيام إلا للزوج].

Comments:

Mourning is a must for every widow without any distinction, no matter if the widow is a free woman or a slave woman, young or aged. (*Zad Al-Ma'ād*, v. 5.p. 620.)

عَنْهَا زَوْجُهَا. وَقَدْ اسْتَكْتَعَيْنَهَا، أَفَنُكْحُهَا؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا»، مَرَّتَيْنِ أَوْ ثَلَاثَ مَرَّاتٍ، كُلُّ ذَلِكَ يَقُولُ: «لَا»، ثُمَّ قَالَ: «إِنَّمَا هِيَ أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا، وَقَدْ كَانَتْ إِخْدَاكُنَّ فِي الْجَاهِلِيَّةِ تَرْمِي بِالْبَغْرَةِ عَلَى رَأْسِ الْحَوْلِ».

[قَالَ:] وفي الباب عن فريضة ابنة مالك ابن سنان، أخت أبي سعيد الخدري، وحفصة بنت عمر.

[قَالَ أَبُو عِيسَى:] حَدِيثُ زَيْنَبَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ؛ أَنَّ الْمُتَوَفَّى عَنْهَا زَوْجُهَا، تَتَّقِي فِي عِدَّتِهَا الطِّيبَ وَالزَّيْنَةَ.

وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ، وَمَالِكِ [بْنِ أَنَسٍ]، وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ.

[1] See *Tafsīr Ibn Kathīr*, vol 1, p. 659 under the comments on *Al-Baqarah* 2:234.

Chapter 19. What Has Been Related About The One Who Has Uttered *Zihār* And Has Intercourse (With His Wife) Before Atoning^[1]

1198. Salamah bin Şakhr Al-Bayāḍī narrated that the Prophet ﷺ said, about the one who uttered *Zihār* and had intercourse before the atonement: "One atonement." (*Da'īf*)

(Abū 'Eisā said:) This *Hadīth* is *Hasan Gharīb*.

This is acted upon according to most of the people of knowledge. This is the view of Sufyān Ath-Thawrī, Mālik, Ash-Shāfi'ī, Aḥmad and Ishāq.

Some of them said that when he has intercourse with her before he fulfills the atonement, then he has to fulfill two atonements. This is the view of 'Abdur-Raḥmān bin Maḥdī.

(المعجم ١٩) - بَابُ مَا جَاءَ فِي الْمُظَاهِرِ يُوَاقِعُ قَبْلَ أَنْ يُكَفِّرَ (التحفة ١٩)

١١٩٨ - حَدَّثَنَا أَبُو سَعِيدٍ الْأَشْجُ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ مُحَمَّدِ بْنِ عَمْرٍو بْنِ عَطَاءٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ سَلَمَةَ بْنِ صَخْرٍ الْبَيَّاضِيِّ عَنِ النَّبِيِّ ﷺ فِي الْمُظَاهِرِ يُوَاقِعُ قَبْلَ أَنْ يُكَفِّرَ، قَالَ: «كَفَّارَةٌ وَاحِدَةٌ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَمَالِكٍ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ. وَقَالَ بَعْضُهُمْ إِذَا وَاقَعَهَا قَبْلَ أَنْ يُكَفِّرَ، فَعَلَيْهِ كَفَّارَتَانِ، وَهُوَ قَوْلُ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، الطلاق، باب المظاهر. بجامع قبل أن يكفر، ح: ٢٠٦٤ عن الأشج به وصححه ابن خزيمة، ح: ٢٣٧٨ وابن الجارود، ح: ٧٤٤ والحاكم: ٢/ ٢٠٣ على شرط مسلم ووافقه الذهبي وقال البخاري: "سليمان لم يسمع عندي من سلمة" والحديث الآتي (١٢٠٠) يغني عنه.

1199. Ibn 'Abbās narrated that a man came to the Prophet ﷺ, and he had uttered *Zihār* upon his wife then he had intercourse with her. So he said: 'O Messenger of Allāh! I uttered *Zihār* against my wife, then I had intercourse with her before atoning.' He (ﷺ) said: 'What caused you to do that, may

١١٩٩ - حَدَّثَنَا أَبُو عَمَّارٍ الْحُسَيْنِيُّ بْنُ حَرْبٍ: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى عَنْ مَعْمَرٍ، عَنِ الْحَكَمِ بْنِ أَبَانَ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ رَجُلًا أَتَى النَّبِيَّ ﷺ، قَدْ ظَاهَرَ مِنْ امْرَأَتِهِ فَوَقَعَ عَلَيْهَا، فَقَالَ: يَا رَسُولَ اللَّهِ إِنِّي قَدْ ظَاهَرْتُ مِنْ امْرَأَتِي فَوَقَعْتُ عَلَيْهَا قَبْلَ

[1] See *Al-Mujādilah* 58:1-4.

Allāh have mercy upon you?' He said: 'I saw her anklets in the moonlight.' He said: 'Then do not go near her until you have done what Allāh ordered (for it).'" (*Hasan*)

This *Hadūth* is *Hasan Gharīb*.

أَنْ أَكْفَرُ، فَقَالَ: «مَا حَمَلَكَ عَلَى ذَلِكَ، يَرْحَمُكَ اللَّهُ؟» قَالَ: رَأَيْتُ خَلْخَالَهَا فِي ضَوْءِ الْقَمَرِ، قَالَ: «فَلَا تَقْرُبْهَا حَتَّى تَفْعَلَ مَا أَمَرَكَ اللَّهُ [بِهِ]».

هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ.

تخريج: [إسناده حسن] وأخرجه النسائي: ١٦٧/٦، ح: ٣٤٨٧ (الطلاق، باب الظهار) عن الحسين بن حريث به وصححه الجارود، ح: ٧٤٧.

Comments:

Word '*Zihār*' is derived from '*Zahr*' meaning back. This word is also used for a riding animal, and there is also a hint in it for sexual relationship between the husband and wife, that is why it has been used as a symbolic reference. In the period of *Jahiliyyah*, it was customary that if anybody wanted to make his wife unlawful for himself, he would say that she resembles his mother from the back.

Chapter 20. What Has Been Related About The Atonement For *Zihār*

1200. Abū Salamah and Muḥammad bin 'Abdur-Raḥmān (bin Thawbān) narrated that Salmān bin Ṣaḥr Al-Anṣārī – from Banū Bayāḍah – said that his wife was like the back of his mother to him until Ramaḍān passed. After half of Ramaḍān had passed he had intercourse with his wife during the night. So he went to the Messenger of Allāh ﷺ to mention that to him. The Messenger of Allāh ﷺ said to him: "Free a slave." He said: "I don't have one." So he said: "Then fast two consecutive months." He said: "I am unable." He said: "Feed sixty needy people." He said: "I can not." So the Messenger of Allāh ﷺ said to Farwah bin 'Amr: "Give him that '*Araq* – and it is a large basket that holds fifteen or sixteen *Sā'* – to feed sixty needy people." (*Hasan*)

(المعجم ٢٠) - بَابُ مَا جَاءَ فِي كَفَّارَةِ

الظَّهَارِ (التحفة ٢٠)

١٢٠٠ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا هَارُونُ بْنُ إِسْمَاعِيلَ الْخَزَّازُ: حَدَّثَنَا عَلِيُّ بْنُ الْمُبَارَكِ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ: حَدَّثَنَا أَبُو سَلَمَةَ وَمُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ [بْنِ ثَوْبَانَ]: أَنَّ سَلْمَانَ بْنَ صَخْرٍ الْأَنْصَارِيَّ، أَحَدَ بَنِي بَيَاضَةَ، جَعَلَ امْرَأَتَهُ عَلَيْهِ كَظَهْرِ أُمِّهِ حَتَّى يَمُضِيَ رَمَضَانُ، فَلَمَّا مَضَى نِصْفُ مِنْ رَمَضَانَ وَقَعَ عَلَيْهَا لَيْلًا، فَأَتَى رَسُولَ اللَّهِ ﷺ فَذَكَرَ ذَلِكَ لَهُ، فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «أَعَتَيْتَ رَقَبَةً»، قَالَ: لَا أَجِدُهَا، قَالَ: «فَصُمْ شَهْرَيْنِ مُتَابَعَيْنِ»، قَالَ: لَا أَسْتَطِيعُ، قَالَ: «أَطْعِمْ سِتِينَ مِسْكِينًا»، قَالَ: لَا أَجِدُ، فَقَالَ رَسُولُ اللَّهِ ﷺ لِفَرْوَةَ بِنْتِ عَمْرٍو: «أَعْطِي ذَلِكَ الْعَرَقَ - وَهُوَ مِثْلُ يَأْخُذُ خُمُسَةَ عَشَرَ صَاعًا أَوْ سِتَّةَ عَشَرَ صَاعًا - إِطْعَامَ سِتِينَ مِسْكِينًا».

(Abū 'Eīsā said:) This *Hadīth* is *Hasan*. They say: "Salmān bin Ṣakhr" and they say: "Salamah bin Ṣakhr Al-Bayādī.

The people of knowledge act according to this *Hadīth* regarding the atonement for *Zihār*.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ، يُقَالُ: سَلْمَانُ بْنُ صَخْرٍ، وَيُقَالُ: سَلَمَةُ بْنُ صَخْرٍ الْبَيَّاضِيُّ.
وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ أَهْلِ الْعِلْمِ، فِي كَفَّارَةِ الظَّهَارِ.

تخريج: [حسن] وأخرجه الحاكم (٣٠٤/٢ ح ٢٨١٦) من حديث يحيى بن أبي كثير به صحيحه على شرط الشيخين ووافقه الذهبي.

Comments:

According to Imām Aḥmad, if atonement is paid in the form of wheat it will be one *Mudd*, and if it is in the form of dates or barley, it will be two *Mudd* or half a *Ṣā'*. In view of Imām Shafi'ī, Imām Awzā'i and 'Aṭā there is only one *Mudd* to be paid from any kind of grain as atonement. In the view of Imām Mālik the amount of atonement is two *Mudd* from any kind of grain, and according to Imām Ath-Thawrī and Imām Abū Ḥanīfah, for wheat one *Mudd*, dates two *Mudd* and barley one *Ṣā'* is prescribed as the atonement.

Chapter 21. What Has Been Related About *Īlā'*^[1]

(المعجم ٢١) - بَابُ مَا جَاءَ فِي الْإِلَاءِ
(التحفة ٢١)

1201. 'Āishah narrated: "The Messenger of Allāh ﷺ swore *Īlā'* from his wives, and he made something unlawful and he made for himself unlawful what was lawful, and he made atonement for his oath." (*Da'if*)

(He said:) There are narrations on this topic from Anas and Abū Mūsā.

(Abū 'Eīsā said:) The narration of Maslamah bin 'Alqamah from Dāwūd was reported by 'Alī bin Mushir and others from Dāwūd: "From Ash-Sha'bī, that the Prophet ﷺ" which is *Mursal*, and it does not

١٢٠١ - حَدَّثَنَا الْحَسَنُ بْنُ قُرْعَةَ الْبُصْرِيُّ: حَدَّثَنَا مَسْلَمَةُ بْنُ عَلْقَمَةَ: حَدَّثَنَا دَاوُدُ بْنُ عَلِيٍّ عَنْ عَامِرٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: أَلَى رَسُولِ اللَّهِ ﷺ مِنْ نِسَائِهِ، وَحَرَمٍ، فَجَعَلَ الْحَرَامَ حَلَالًا، وَجَعَلَ فِي الْيَمِينِ كَفَّارَةً. [قَالَ:] وَفِي الْبَابِ عَنْ أَنَسٍ وَأَبِي مُوسَى.

[قَالَ أَبُو عِيسَى:] حَدِيثُ مَسْلَمَةَ بْنِ عَلْقَمَةَ عَنْ دَاوُدَ، رَوَاهُ عَلِيُّ بْنُ مُسْهِرٍ وَغَيْرُهُ عَنْ دَاوُدَ، عَنْ الشَّعْبِيِّ: أَنَّ النَّبِيَّ ﷺ، مُرْسَلًا، وَلَيْسَ فِيهِ: عَنْ مَسْرُوقٍ عَنْ عَائِشَةَ

[1] When a man vows to abandon intercourse with his wife.

the leadership of Muṣ'ab bin Az-Zubair. I did not know what to say. So I went to the house of 'Abdullāh bin 'Umar and I sought permission to enter. I was told that he was taking a nap, but he heard me talking and he said: 'Is it Ibn Jubair? Enter. You would not have come except for a need.'"

He said: "So I entered and found him lying on a saddlecloth from his mount. I said: 'O Abū 'Abdur-Raḥmān! Are those involved in *Li'ān* separated?' He said: 'Glorious is Allāh! Yes. The first who asked about that was so-and-so the son of so-and-so. He came to the Prophet ﷺ and said: "O Messenger of Allāh! If one of us saw his wife committing adultery what should he do? If he were to say anything, his statement would be a horrible matter, and if he were to remain silent, his silence about the matter would be horrible."

"He said: 'So the Prophet ﷺ remained silent and did not answer him. Afterwards he came to the Prophet ﷺ and said: "The one who asked you about it has been tried by it." So Allāh revealed these *Āyāt* from *Sūrat An-Nūr*: And those who accuse their wives and have no witnesses except themselves.^[1] – until the end of those *Āyāt*. So he called for the man and recited the *Āyāt* to him and admonished him, reminded him, and he told him:

فِي إِمَارَةِ مُضَعَبِ بْنِ الزُّبَيْرِ، أَيَفْرَقُ بَيْنَهُمَا؟
فَمَا دَرَيْتُ مَا أَقُولُ، فَتُتُّ مَكَانِي إِلَى مَنْزِلِ
عَبْدِ اللَّهِ بْنِ عُمَرَ، فَاسْتَأْذَنْتُ عَلَيْهِ فَقِيلَ لِي:
إِنَّهُ قَائِلٌ، فَسَمِعَ كَلَامِي فَقَالَ: ابْنُ جُبَيْرٍ
أَدْخُلْ، مَا جَاءَ بِكَ إِلَّا حَاجَةٌ.

قَالَ: فَدَخَلْتُ فَإِذَا هُوَ مُفْتَرِشٌ بِرَدْعَةٍ
رَحْلٍ لَهُ، فَقُلْتُ: يَا أَبَا عَبْدِ الرَّحْمَنِ
الْمُتَلَاعِنَانِ، أَيَفْرَقُ بَيْنَهُمَا؟ فَقَالَ: سُبْحَانَ
اللَّهِ! نَعَمْ، إِنَّ أَوَّلَ مَنْ سَأَلَ عَنْ ذَلِكَ فَلَانُ
ابْنُ فَلَانٍ، أَتَى النَّبِيَّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ
لَوْ أَنَّ أَحَدَنَا رَأَى امْرَأَتَهُ عَلَى فَاحِشَةٍ، كَيْفَ
يَضَعُ؟ إِنْ تَكَلَّمَ، تَكَلَّمَ بِأَمْرِ عَظِيمٍ، وَإِنْ
سَكَتَ، سَكَتَ عَلَى أَمْرِ عَظِيمٍ، قَالَ:
فَسَكَتَ النَّبِيُّ ﷺ فَلَمْ يُجِبْهُ.

فَلَمَّا كَانَ بَعْدَ ذَلِكَ، أَتَى النَّبِيَّ ﷺ
فَقَالَ: إِنَّ الَّذِي سَأَلْتُكَ عَنْهُ قَدْ ابْتُلِيَ بِهِ،
فَأَنْزَلَ اللَّهُ هَذِهِ الْآيَاتِ الَّتِي فِي سُورَةِ النُّورِ:
﴿وَالَّذِينَ يَزْمُونَ ائْوَاجَهُمْ وَلَمْ يَكُنْ لَهُمْ شُهَدَاءُ إِلَّا
أَنْفُسُهُمْ﴾ [النور: ٦-١٠] حَتَّى خَتَمَ الْآيَاتِ،
فَدَعَا الرَّجُلَ فَتَلَا الْآيَاتِ عَلَيْهِ، وَوَعظَهُ
وَذَكَّرَهُ وَأَخْبَرَهُ: أَنَّ عَذَابَ الدُّنْيَا أَهْوَنُ مِنْ
عَذَابِ الْآخِرَةِ، فَقَالَ: لَا، وَالَّذِي بَعَثَكَ
بِالْحَقِّ! مَا كَذَبْتُ عَلَيْهَا، ثُمَّ نَتَى بِالْمَرْأَةِ
فَوَعظَهَا وَذَكَّرَهَا، وَأَخْبَرَهَا: أَنَّ عَذَابَ الدُّنْيَا
أَهْوَنُ مِنْ عَذَابِ الْآخِرَةِ، فَقَالَتْ: لَا،

[1] *An-Nūr* 24:6-10.

“Indeed the punishment of the world is less than the punishment of the Hereafter.” So he said: “Nay! By the One Who sent you with the truth! I did not lie about her.” Then he did the same with the woman, admonishing her and reminding her and he told her: “Indeed the punishment of the world is less than the punishment of the Hereafter.” She said: “Nay! By the One Who sent you with the truth! He is not telling the truth.”

“He said: ‘So he started with the man: He testified four times, by Allāh that he is one of the truthful, and the fifth time that the curse of Allāh be upon him if he was one of the liars. Then the same with the woman: She testified four times by Allāh, that he was one of the liars, and the fifth time that the wrath of Allāh be upon her if he was one of the truthful. Then he separated the two of them.’” (*Ṣaḥīḥ*)

(He said:) There are narrations on this topic from Sahl bin Sa'd, Ibn 'Abbās, Ḥudhaifah, and Ibn Mas'ūd.

(Abū 'Eisā said:) The *Ḥadīth* of Ibn 'Umar is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This *Ḥadīth* is acted upon according to the people of knowledge.

تخريج: وأخرجه مسلم، اللعان، ح: ١٤٩٣ من حديث عبد الملك والبخاري، ح: ٥٣١١ من حديث سعيد بن جبير به * وفي الباب عن سهل بن سعد [البخاري، ح: ٥٢٥٩ ومسلم، ح: ١٤٩٢] وابن عباس [البخاري، ح: ٥٣١٠ ومسلم، ح: ١٤٩٧] وحذيفة [الطبراني في الأوسط: ٥١/٩، ح: ٨١٠٧] وابن مسعود [مسلم، ح: ١٤٩٥].

Comments:

According to Imām Shafi'i only on the occasion of a man's *Li'an* will there be separation, but in the view of the *Ahnāf*, separation will be effective on the

وَالَّذِي بَعَثَكَ بِالْحَقِّ! مَا صَدَقَ، قَالَ، فَبَدَأَ
بِالرَّجُلِ فَشَهِدَ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ
الصَّادِقِينَ، وَالْخَامِسَةَ: أَنْ لَعَنَهُ اللَّهُ عَلَيْهِ إِنْ
كَانَ مِنَ الْكَاذِبِينَ، ثُمَّ نَتَى بِالْمَرْأَةِ فَشَهِدَتْ
أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ،
وَالْخَامِسَةَ: أَنْ غَضَبَ اللَّهُ عَلَيْهَا إِنْ كَانَ مِنَ
الصَّادِقِينَ، ثُمَّ فَرَّقَ بَيْنَهُمَا. [قَالَ:] وَفِي
الْبَابِ عَنْ سَهْلِ بْنِ سَعْدٍ، وَابْنِ عَبَّاسٍ،
وَحُذَيْفَةَ وَابْنَ مَسْعُودٍ

[قَالَ أَبُو عِيسَى:] حَدِيثُ ابْنِ عُمَرَ
حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا
الْحَدِيثِ عِنْدَ أَهْلِ الْعِلْمِ.

orders of the judge. Imām Aḥmad affirms both the views. When the *Li'an* is imposed there is no way out for their remarriage. It will be a life long separation. The issue of *Li'an* is started with the oath of husband. (*Al-Mughnī* v. 11 p. 144-145.)

1203. Ibn 'Umar narrated: "A man pronounced the *Li'an* on his wife, and the Prophet ﷺ separated the two of them, and he decided that the child belonged to the mother." (*Ṣaḥīḥ*)

Abū 'Eīsā said: This *Ḥadīth* is *Ḥasan Ṣaḥīḥ* (And this is acted upon according to the people of knowledge).

تخريج: متفق عليه، وأخرجه البخاري، الطلاق، باب: يلحق الولد بالملاعة، ح: ٥٣١٥ ومسلم، ح: ٨/١٤٩٤ اللعان من حديث مالك به وهو في الموطأ: ٥٩٧/٢.

Chapter 23: What is Reported On Where The Widow Observes Her 'Iddah

1204. Zainab bint Ka'b bin 'Ujrah narrated that Al-Furay'ah bint Mālik bin Sinān – the sister of Abū Sa'eed Al-Khudrī – informed her that she went to the Messenger of Allāh ﷺ to ask him if she could return to her family in Banū Khudrah. Her husband had gone out searching for his runaway slaves, and when he was in Taraf Al-Qadūm he caught up with them and they killed him. She said: "So I asked the Messenger of Allāh ﷺ if I could return to my family since my husband had not left me a home that he owned nor any maintenance." She said: "So the Messenger of Allāh ﷺ said: 'Yes.' Then I left. When I was in the courtyard," or, "in the *Masjid*, the

١٢٠٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ قَالَ: لَا عَنْ رَجُلٍ أُمْرَأَتَهُ، وَفَرَّقَ النَّبِيُّ ﷺ بَيْنَهُمَا، وَالْحَقُّ الْوَلَدَ بِالْأُمِّ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. [وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ].

(المعجم ٢٣) - بَابُ مَا جَاءَ آيِنُ تَعْتَدُ الْمُتَوَفَّى عَنْهَا رَوْجَهَا (التحفة ٢٣)

١٢٠٤ - حَدَّثَنَا الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُ: حَدَّثَنَا مَالِكُ عَنْ سَعْدِ بْنِ إِسْحَاقَ بْنِ كَعْبِ ابْنِ عُجْرَةَ، عَنْ عَمَّتِهِ زَيْنَبِ بِنْتِ كَعْبِ بْنِ عُجْرَةَ: أَنَّ الْفُرَيْعَةَ بِنْتَ مَالِكِ بْنِ سِنَانٍ - وَهِيَ أُخْتُ أَبِي سَعِيدٍ الْخُدْرِيِّ - أَخْبَرَتْهَا: أَنَّهَا جَاءَتْ رَسُولَ اللَّهِ ﷺ تَسْأَلُهُ أَنْ تَرْجِعَ إِلَى أَهْلِهَا فِي بَنِي خُدْرَةَ، وَأَنَّ رَوْجَهَا خَرَجَ فِي طَلَبِ أَغْبَدٍ لَهُ أَبْقُوا، حَتَّى إِذَا كَانَ بِطَرْفِ الْقُدُومِ لِحَقِّهِمْ فَقَتَلُوهُ. قَالَتْ: فَسَأَلْتُ رَسُولَ اللَّهِ ﷺ أَنْ أَرْجِعَ إِلَى أَهْلِي، فَإِنَّ رَوْجِي لَمْ يَتْرُكْ لِي مَسْكَنًا يَمْلِكُهُ، وَلَا نَفَقَةً، قَالَتْ: فَقَالَ رَسُولُ اللَّهِ ﷺ: «نَعَمْ»، قَالَتْ: فَاَنْصَرَفْتُ، حَتَّى إِذَا كُنْتُ فِي الْحُجْرَةِ أَوْ فِي

Messenger of Allāh ﷺ called me” or, “summoned for me to come back to him and he said: ‘What did you say?’” She said: “So I repeated the story that I had mentioned to him about the case of my husband. He said: ‘Stay in your house until what is written reaches its term.’” She said: “So I observed my ‘*Iddah* there for four months and ten (days).” She said: “During the time of ‘Uthmān, he sent a message to me asking me about that, so I informed him. He followed it and judged accordingly.” (*Ṣaḥīḥ*)

(Another chain) which is similar in meaning.

(Abū ‘Eisā said:) This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. This *Ḥadīth* is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others. They did not think that the woman observing ‘*Iddah* could move from the home of her husband until her ‘*Iddah* transpired.

This is the view of Sufyān Ath-Thawrī, Ash-Shāfi‘ī, Aḥmad, and Ishāq.

Some of the people of knowledge among the Companions of the Prophet ﷺ and others, said that the woman is to spend her ‘*Iddah* wherever she wishes, even if she does not observe the ‘*Iddah* in the home of her husband.

(Abū ‘Eisā said:) But the first view is more correct.

الْمَسْجِدِ نَادَانِي رَسُولُ اللَّهِ ﷺ أَوْ أَمَرَ بِي فَنُودِيتُ لَهُ فَقَالَ: «كَيْفَ قُلْتَ؟» قَالَتْ: فَرَدَدْتُ عَلَيْهِ الْقِصَّةَ الَّتِي ذَكَرْتُ لَهُ مِنْ شَأْنِ زَوْجِي، قَالَ: «أَمْكُثِي فِي بَيْتِكَ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ». قَالَتْ: فَأَعْتَدْتُ فِيهِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا، قَالَتْ: فَلَمَّا كَانَ عُثْمَانُ، أَرْسَلَ إِلَيَّ فَسَأَلَنِي عَنْ ذَلِكَ فَأَخْبَرْتُهُ، فَاتَّبَعَهُ وَقَضَى بِهِ.

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا سَعْدُ بْنُ إِسْحَاقَ بْنِ كَعْبِ بْنِ عَجْرَةَ. فَذَكَرَ نَحْوَهُ بِمَعْنَاهُ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ لَمْ يَرَوْا لِلْمُعْتَدَةِ أَنْ تَنْتَقِلَ مِنْ بَيْتِ زَوْجِهَا حَتَّى تَقْضِيَ عِدَّتَهَا.

وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ، وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: لِلْمَرْأَةِ أَنْ تَعْتَدَ حَيْثُ شَاءَتْ وَإِنْ لَمْ تَعْتَدْ فِي بَيْتِ زَوْجِهَا. [قَالَ أَبُو عِيسَى:] وَالْقَوْلُ الْأَوَّلُ أَصَحُّ.

تخريج: [إسناده صحيح] وأخرجه أبو داود، الطلاق، باب: في المتوفى عنها تنتقل، ح: ٢٣٠٠ من حديث مالك به وهو في الموطأ: ٥٩١/٢ وصححه ابن حبان (الإحسان: ٤٢٧٨ وابن الجارود، ح: ٧٥٩ والحاكم: ٢/٢٠٨ والذهبي.

Comments:

According to the point of view of the Four *A'imma*h and in view of most of the Companions of the Prophet ﷺ and the followers of the Companions, a widow must stay in the house of her husband to complete the period of *'Iddah*, no matter whether the house she is living in is a rented house or the property of her husband. According to 'Alī, Ibn 'Abbās, 'Āishah, Jābir bin Zaid, Ḥasan Al-Baṣrī, they say she can spend her period of *'Iddah* wherever she wants, there is no binding on her. This narration confirms the first point of view. She is allowed to go out during the daytime for her needs, but she must spend the night in the house of her husband. (*Al-Mughnī* v. 11. p. 297.)